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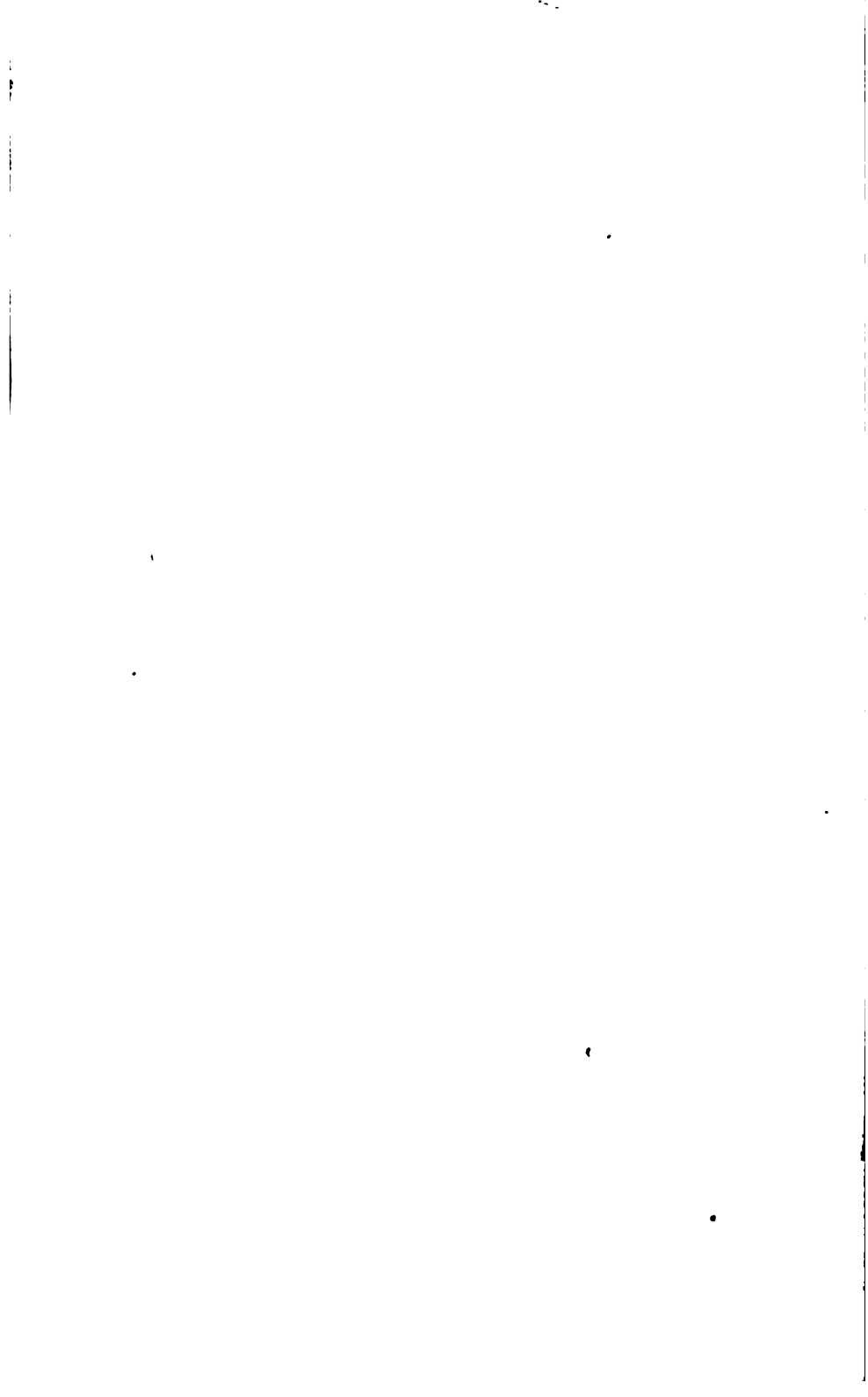
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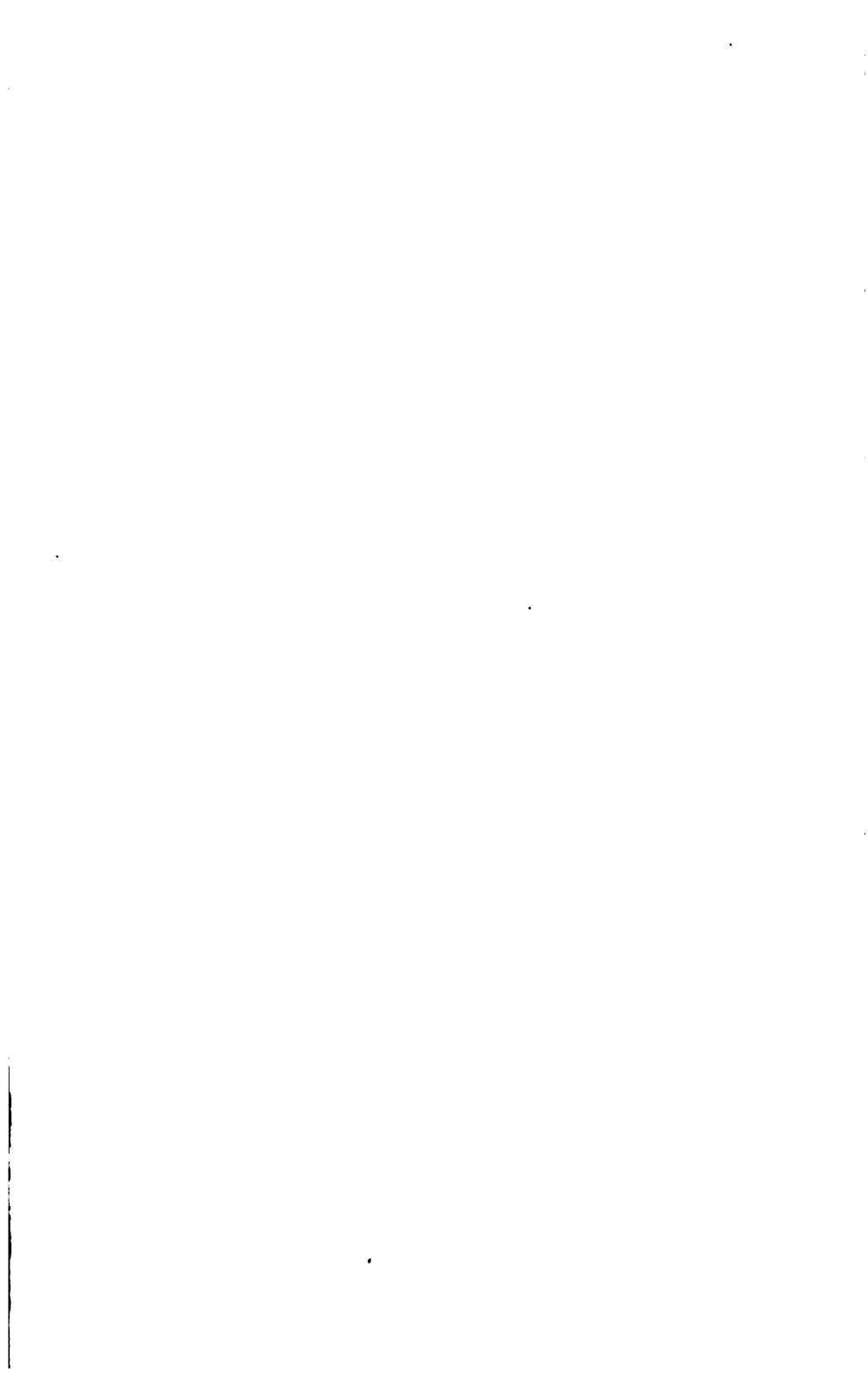
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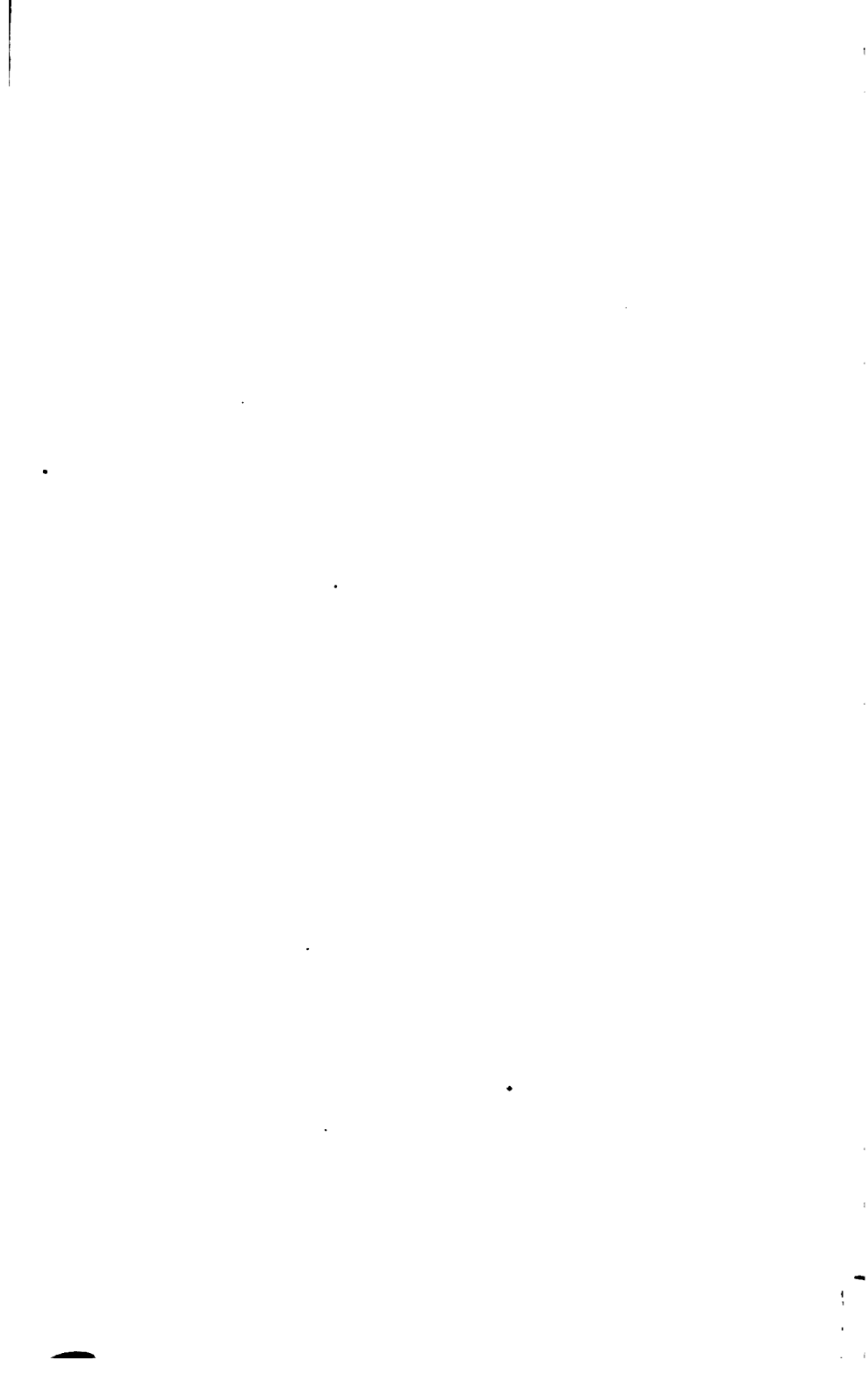
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THE
Statutes at Large.
FROM THE
Thirty-ninth of Q. ELIZABETH,
TO THE
Twelfth of K. CHARLES II. inclusive.
BY
DANBY PICKERING, of GRAY'S INN, Esq;

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Gt. Brit Laws
= THE
Statutes at Large,

FROM THE
Thirty-ninth Year of Q. ELIZABETH,
TO THE
Twelfth Year of K. CHARLES II. inclusive.

To which is prefixed,
A TABLE containing the TITLES of all the STATUTES
during that Period.

STANFORD LIBRARY

VOL. VII.

By **DANBY PICKERING**, of Gray's-Inn, Esq;
Reader of the Law Lecture to that Honourable Society.

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STANDARD LIBRARY TABLE of the STATUTES,

Containing the Titles of all such Acts as are extant in print,
from the Thirty-ninth of Queen ELIZABETH, to the
Thirteenth Year of King CHARLES II.

Anno 39 Elizabethæ Reginae.

C A P. 1. Against the decaying of towns and houses of husbandry.

Cap. 2. For maintenance of husbandry and tillage.

Cap. 3. For relief of the poor.

Cap. 4. For punishment of rogues, vagabonds, and sturdy beggars.

Cap. 5. For erecting of hospitals, or abiding and working-houses for the poor.

Cap. 6. To reform deceits and breaches of trust touching lands given to charitable uses.

Cap. 7. For the more speedy payment of the Queen's majesty's debts, and for the better explanation of the act made in the thirteenth year of the Queen's majesty, intituled, *An act to make the lands, tenements, goods and chattels of tellers, receivers, &c. liable to the payment of their debts.*

Cap. 8. For the confirmation and establishment of the deprivation of divers bishops and deans in the beginning of her Majesty's reign.

Cap. 9. For the taking away of clergy from offenders against a certain statute made in the third year of King Henry the Seventh, concerning the taking away of women against their wills unlawfully.

Cap. 10. For the increase of mariners and maintenance of navigation; repealing a statute made in the twenty-third year of her Majesty's reign, bearing the same title.

Cap. 11. For the better execution of the statute made in the twenty-third year of the Queen's majesty's reign,
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for the abolishing of logwood, *alias* blockwood, in the dying of cloth, wool or yarn.

Cap. 12. For explanation of the statute made in the fifth year of her Majesty's reign, concerning labourers.

Cap. 13. An explanation of an act made in the eleventh year of King Henry the Seventh, for fustians.

Cap. 14. Prohibiting the bringing into this realm, of foreign cards for wool.

Cap. 15. That no person robbing any house in the day-time, although no person be therein, shall be admitted to have the benefit of his clergy.

Cap. 16. To restrain the excessive making of malt.

Cap. 17. Against lewd and wandering persons, pretending themselves to be soldiers or mariners.

Cap. 18. For the reviving, continuance, explanation, perfecting and repealing of divers statutes.

Cap. 19. For the amendment of highways in the counties of *Sussex, Surrey* and *Kent*.

Cap. 20. Against the deceitful stretching and tentering of Northern cloth.

Cap. 21. For the further continuance and explanation of an act for the necessary relief of soldiers and mariners, made in the thirty-fifth year of the Queen's majesty's reign that now is.

Cap. 22. For the establishing of the bishoprick of *Norwich*, and the possessions of the same, against a certain

A TABLE of the STATUTES.

- certain pretended concealed title thereunto.
- Cap. 23. For the repairing of the bridges of *Newport* and *Carlton* in the county of *Monmouth*.
- Cap. 24. For the erecting and building of a bridge over the river of *Wye*, at *Wilton upon Wye*, near the town of *Rosse*, in the county of *Hereford*.
- Cap. 25. For enlarging of the statute made for following hue and cry, in the twenty-seventh year of her Majesty's reign, in some sort to relieve the inhabitants of the small hundred of *Beynersh*, alias *Benberst*, in cases where they are in no voluntary default, and yet are or shall be charged by the same statute, and by the two ancient statutes, the one made the thirteenth year of King *Edward* the First, the other in the twenty-eighth year of King *Edward* the Third, for repressing of robberies.
- Cap. 26. For confirmation of the subsidies granted by the clergy.
- Cap. 27. For the grant of three entire subsidies, and six fifteens and tenths, granted by the temporality.
- Cap. 28. For the Queen's majesty's most gracious, general, and free pardon.
- new college at *Cobham*, for the poor in the county of *Kent*.
5. An act for the confirmation and better assurance of certain manors, lands, &c. given or intended to an hospital or *necroshaw* in *Warwick*, founded by the late earl of *Leicester*.
6. An act for the naturalizing of *Henryal Bakerville*, *William Lovelokenor*, *Ostowell Hill*, *John Heather*, *William Heather*, *Helene Bemy*, and *George Sheppey*.
7. An act for confirmation of the jointure of *Christian lady Sanders*, wife of *William lord Sanders*.
8. An act for establishing the town lands of *Wanting* in the county of *Berks*, to the relief of the poor.
9. An act for *Arthurs Hatch*, her Majesty's ward, for his enjoying of the rectory or parsonage of *Southmoulton* in the county of *Devon* for certain years.
10. An act for confirmation of the jointure of the lady *Varney*, wife of sir *Edmund Varney*, knight.
11. An act for the better maintenance and well keeping of *Staines* bridge.
12. An act for the establishing of the lands given by *John Bedford's* will to the perpetual repair of highways at *Ailesbury*.
13. An act concerning the school at *Sevenoaks* in the county of *Kent*.
14. An act for establishing the possessions of sir *Henry Unton*, knight, lately deceased, and for payment of his debts.
15. An act for establishing of a jointure to *Anne lady Wentworth*, now wife of *William Pope*, esquire, and for the better enabling of the said *William Pope* to sell certain of his lands, for payment of his debts.

Private acts.

Anno 39 Elizabethæ Reginae.

1. An act concerning a lease of great yearly value, procured to be passed from her Majesty by *William Kirkham* the younger.
2. An act that the lord *Mountjoye* may dispose of his lands whereof he is tenant in tail, as other tenants in tail by the laws of the realm may do; a private statute 27 *H. 8.* notwithstanding.
3. An act for ratification of the hospital of Queen *Elizabeth* in *Bristol*, ter relief of the poor or the establishing of the

Anno 43 Elizabethæ Reginae.

- Cap. 1. For confirmation of grants made to the Queen's majesty, and of letters patents made by her Highness to others.

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Cap. 2. For the relief of the poor.

Cap. 3. For the necessary relief of soldiers and mariners.

Cap. 4. To redress the misemployment of lands, goods, and stocks of money heretofore given to charitable uses.

Cap. 5. To prevent perjury and subornation of perjury, and unnecessary expences in suits of law.

Cap. 6. To avoid trifling and frivolous suits in law, in her Majesty's courts at *Westminster*.

Cap. 7. To avoid and prevent divers misdemeanors in lewd and idle persons.

Cap. 8. Against fraudulent administration of intestate's goods.

Cap. 9. For continuance of divers statutes, and for repeal of some others.

Cap. 10. For the true working and making of woollen cloth.

Cap. 11. For the recovery of many hundred thousand acres of marshes, and other grounds, subject commonly to surrounding, within the isle of *Ely*, and the counties of *Cambridge*, *Huntingdon*, *Northampton*, *Lincoln*, *Norfolk*, *Suffolk*, *Suffex*, *Essex*, *Kent*, and the county palatine of *Durham*.

Cap. 12. Concerning matters of assurances amongst merchants.

Cap. 13. For the more peaceable government of the parts of *Cumberland*, *Northumberland*, *Westmorland*, and the bishoprick of *Durham*.

Cap. 14. Concerning the assize of fuel.

Cap. 15. For the levying of fines with proclamations of lands within the county of the city of *Chester*.

Cap. 16. For the mending, repairing and maintaining of two bridges over the river of *Eden*, near the city of *Carlisle* in *Cumberland*.

Cap. 17. For the confirmation of the subsidies granted by the clergy.

Cap. 18. For the grant of four entire subsidies, and eight fifteens and

tenths, granted by the temporality.

Cap. 19. The Queen's majesty's most gracious, general, and free pardon.

Private Acts.

Anno 43 Elizabethæ Reginae.

1. An act for the perfecting of the jointure of the lady *Bridgett* countess of *Suffex*, wife of *Robert* earl of *Suffex*.

2. An act for the assuring of certain manors and lands, for part of a jointure of *Lucy* countess of *Bedford*.

3. An act for the denization of *William Myllet*, *Anne Pope*, *George Chaundeler*, *Peter Eaton*, *Nicholas Eaton*, and *Nicholas Tooley*.

4. An act for the enabling of *Edward Nevill* of *Berling* in the county of *Kent*, and sir *Henry Nevill*, knight, his son and heir apparent, to dispose of certain copyhold lands, parcel of the manor of *Rotherfield* in *Suffex*, and *Ayleshy* and *Filonghy* in *Warwick*.

5. An act to confirm the assurance of the manors and farms of *Sagbury* and *Obden*, and other lands in the county of *Worcester*, to *Samuel Sandes*, esquire, and *John Harris*, gentleman.

6. An act for augmentation of the jointure of *Rachael*, the wife of *Edward Nevill* of *Berling* in the county of *Kent*.

7. An act for the naturalizing of *Joseph Lupo* and divers others, born beyond the seas.

8. An act for the assuring of the patronage of the vicarage of *Rotherston* in the county of *Chester*, and a scholar's room in the cathedral church of *Cbrist* in *Oxon*, &c. by the dean and chapter of the said cathedral church, to *Thomas Venables*, esquire, and his heirs for ever.

9. An act for the ending and appeasing of all controversies, &c. between *Francis Ketisby*, of the one

A TABLE of the STATUTES.

part, and *Andrew Kettleby*, and *Jane* his wife, on the other part.

ro. An act to make the lands, tenements and hereditaments of *Edward Lucas*, gentleman, deceased, executor of the last will and testament of *John Flowerdew*, esquire, deceased, liable to the payment of certain legacies given by the last will of the said *John Flowerdew*, and to the payment of divers other debts owing by the said *Lucas* in his lifetime.

Anno 2 [vulgo] 1 Jacobi.

Cap. 1. A most joyful and just recognition of the immediate, lawful and undoubted succession, descent and right of the crown.

Cap. 2. Authorizing certain commissioners of *England*, to treat with commissioners of *Scotland*, for the weal of both kingdoms.

Cap. 3. Against the diminution of the possessions of archbishopricks and bishopricks, and avoiding of dilapidations of the same.

Cap. 4. For the due execution of the statutes against jesuits, seminary priests, recusants.

Cap. 5. To prevent the over-charge of the people by stewards of court-leets and court-barons.

Cap. 6. For the explanation of the statute made in the fifth year of the late Queen *Elizabeth's* reign, concerning labourers.

Cap. 7. For the continuation and explanation of the statute made in the thirty-ninth year of the reign of the late Queen *Elizabeth*, intituled, *An act for punishment of rogues, vagabonds, and sturdy beggars.*

Cap. 8. To take away the benefit of clergy from some kind of manslaughter.

Cap. 9. To restrain the inordinate haunting and tipling in inns, ale-houses, and victualling houses.

Cap. 10. For the better execution of justice.

Cap. 11. To restrain all persons from marriage, until their former wives and former husbands be dead.

Cap. 12. Against conjuration, witchcraft, and dealing with evil and wicked spirits.

Cap. 13. For new executions to be sued against any which shall hereafter be delivered out of execution by privilege of parliament, and for discharge of them out of whose custody such persons shall be delivered.

Cap. 14. A remedy for a freeman of *London* to recover a debt not exceeding forty shillings owing to him by another inhabiting within the said city or the liberties; a penalty if the debtor do not appear before the commissioners upon warning; or if the creditor or debtor do not perform their order; or if the creditor, being a freeman of *London*, do sue any other freemen out of the same city, for a debt under forty shillings.

Cap. 15. For the better relief of the creditors against such as shall become bankrupts.

Cap. 16. Concerning wherry-men and watermen.

Cap. 17. For the better execution of former laws touching the making of hats and felts, and for the more restraint of unskilful and deceivable workmanship therein used, to the wrong of all sorts of the people of this realm.

Cap. 18. For avoiding of deceitful selling, buying or spending corrupt and unwholesome hops.

Cap. 19. For the well garbling of spices.

Cap. 20. For redress of certain abuses and deceits used in painting.

Cap. 21. Against brokers.

Cap. 22. Concerning tanners, curriers, shoemakers, and other artificers occupying the cutting of leather.

Cap. 23. For the better preservation of the fishing in the counties of *Somerset*,

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morset, Devon, and Cornwall, and for the relief of balkers, condors and fishermen, against malicious suits.

Cap. 24. Against the deceitful and false making of *Mildernix* and *Powle Davies*, whereof sail-cloths for the navy and other shipping are made.

Cap. 25. For continuing and reviving of divers statutes, and for repealing of some others.

Cap. 26. For the continuance and due observation of certain orders for the exchequer, first set down and established by virtue of a privy seal from the late Queen *Elizabeth*.

Cap. 27. For the better execution of the intent and meaning of former statutes, made against shooting in guns, and for the preservation of the game of pheasants and partridges, and against the destroying of hares with hare-pipes and tracing hares in the snow.

Cap. 28. A confirmation of the King's letters patents, bearing date at *Westminster* 30 die Aprilis, anno 2 Regis Jacobi, granted to the mayor, bailiffs, and burgesses of the borough of *Berwick upon Tweed*, and of the franchises, liberties and customs of the said borough.

Cap. 29. To what sorts of flesh, licences to eat flesh in *Lent* shall not extend: what sort of flesh shall not be killed in *Lent* to be put to sale.

Cap. 30. The inhabitants of *Melcomb-Regis*, in the county of *Dorset*, within the diocese of *Bristol*, may at their own costs build a church upon the ground where the chapel now standeth, and the grounds adjoining, convenient to receive the inhabitants of *Radipol*, and inclose the waste grounds adjoining, to make a church-yard for a place of burial; after which church is builded, it shall be called the parochial church of *Radipol*; and the new parson of *Radipol*, and his successors, shall be parsons thereof; and

the old parish-church of *Radipol* shall be but a chapel of ease: and the patron of the old parish-church of *Radipol* shall be patron of the new. And a new mansion-house in *Melcomb-Regis* assigned to the said parson and his successors for ever.

Cap. 31. For the charitable relief and ordering of persons infected with the plague.

Cap. 32. From the end of this session of parliament, during seven years, and no longer, there shall be paid by the master or owner of every ship, vessel or crayer (sailing of *Lime Regis* in the county of *Dorset*) whereof any of the King's subjects shall be owners or part-owners of the burden of twenty-tons or upwards, for every voyage loading or discharging within this realm, or to or from any foreign country beyond the seas, and passing to or from *London*, or from, to or by *Dover*, or coming into the harbour there, (not having a cocquet testifying his payment before) three pence for every ton of the burden of every such vessel, &c. except vessels loaden with sea-coals or grind-stones; and for every chaldron of sea-coals or grind-stones, 1d. ob. which shall be paid to the customer, collector of customs or subsidies, or their deputies, &c.

Cap. 33. For a subsidy of tonnage and poundage.

Private Acts.

Anno 2 [vulgo] 1 Jacobi.

1. An act of confirmation of the jointure of the most high and mighty Princess *Anne*, Queen of *England*, *Scotland*, *France* and *Ireland*.
2. An act for an assignment of certain sums of money for defraying of the charges of the King's most honourable household.
3. An act for restitution of *Henry* earl of *Southampton*.

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4. An act for the restitution of the son and two daughters of *Robert* late earl of *Essex*.
5. An act for the restitution of *Thomas*, only son of *Philip* late earl of *Arundell*.
6. An act for the restitution in blood of *William Howard*, youngest son of *Thomas* late duke of *Norfolk*, and of the children of the lady *Margaret Sackville*, daughter of the said duke.
7. An act for the restitution of *William Pagett*, only son of *Thomas* late lord *Pagett*.
8. An act for the restitution of *Thomas Lucas*, gentleman, in blood.
9. An act to secure *Simpson's* debt, and save harmless the warden of the fleet in *sir Thomas Sherley's* case.
10. An act for the naturalizing of *Lodovick* duke of *Lenox*, *Henry* lord of *Obigney*, his brother, and their children.
11. An act for the naturalizing of the right honourable *Margaret* countess of *Nottingham*.
12. An act for the naturalizing of *John* earl of *Marre*, his wife and children.
13. An act for the naturalizing of *sir George Howme*, knight, lord treasurer of *Scotland*, his wife and children.
14. An act for confirmation of certain letters patents made to *sir George Howme*, knight, lord treasurer of *Scotland*.
15. An act for the naturalizing of *sir Edward Bruce*, knight, lord of *Kinliffe*, his wife and children, and for confirmation of letters patents made to him.
16. An act for the naturalizing of *sir Thomas Areskyn*, knight, and *Alexander Areskyn* his son, and all other the children of the said *sir Thomas*, born in the kingdom of *Scotland*, or wheresoever within the King's majesty's dominions.
17. An act for confirmation of letters patents made to the right honourable *Charles* earl of *Nottingham*, lord admiral of *England*, *Thomas* earl of *Suffolk*, lord chamberlain of the King's household, *sir John Leveson*, and *sir John Trevor*, knights, for the use and benefit of the lady *Frances* dowager of *Kildare*, and now wife of *Henry* late lord *Cobham*, attainted.
18. An act for the naturalizing of dame *Mary Aston*, wife to *sir Roger Aston*, knight, and their children.
19. An act for the naturalizing of *sir John Ramsey*, knight.
20. An act for the naturalizing of *sir James Hay*, knight.
21. An act for the naturalizing of *John Gordon*, dean of *Sarum*, his wife and children.
22. An act for the naturalizing of *sir John Kennedy*, knight.
23. An act for the naturalizing of *sir John Drumonde*, knight.
24. An act for the naturalizing of *Adam Newton*, esquire.
25. An act for restitution in blood of *Thomas Littleton*, eldest son of *John Littleton*, late of *Franchley* in the county of *Worcester*, esquire, deceased, *John Littleton*, second son of the said *John Littleton* deceased, and *Edward Littleton*, third son of the said *John Littleton* deceased, *Bridget Littleton*, eldest daughter of the said *John Littleton* deceased, *Anne Littleton*, second daughter of the said *John Littleton* deceased, and *Jane Littleton*, third daughter of the said *John Littleton* deceased.
26. An act for the naturalizing of *William Browne*, *Anne Browne*, and *Barbara Browne*, children of *sir William Browne*, knight, lieutenant-governor of his Majesty's cautionarie town of *Ullishinge*.
27. An act for the enabling of *Thomas Throgmorton*, esquire, to make sale of certain lands for payment of his debts.
28. An act for the naturalizing of *Thomas Glover*, *Margaret Mordant*, *Francis Collimore*, *Alexander Daniell*, *Nicholas*

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Nicholas Gilpine, and Mary Copcote.

29. An act for the sale of certain lands of *ſir Thomas Rowe*, knight, for the payment of his debts.
30. An act for the quiet eſtabliſhing and ſettling of the lands and poſſeſſions late of *ſir George Rodney*, knight, deceased.
31. An act for the aſſuring of certain lands and tenements to the dean and canons of *Windſor*, and of aſſuring a leaſe of the prebend of *Bedwin* in the county of *Wilts* to *Edward* earl of *Hertford*.
32. An act for *Henry Fernegan* the younger, for the ſale of the manor of *Dages* in *Raveningham* and *Herringſleete* alias *St. Olaves* in the counties of *Norfolk* and *Suffolk*, for the payment of his debts.
33. An act for the jointure of the wife of *Martin Calthrope*, gentleman.
34. An act for the relief of *Thomas Lovell*, eſquire.
35. An act for explanation of a former act made in the 43d year of the reign of the late *Queen Elizabeth*, intituled, *An act for the enabling of Edward Nevile of Birling in the county of Kent, and ſir Henry Nevile, knight, his ſon and heir apparent, to diſpoſe of certain copyhold lands, parcel of the manor of Rotherfield in the county of Suſſex, and of the manors of Alleſley and Filonley in the county of Warwick.*
36. An act to enable *John Tebols*, gentleman, to make his wife a jointure of certain of his lands, and to ſell ſome part for preferment of his younger children.
37. An act for the naturalizing of *Katherine Vincent, Elizabeth Vincent, Suſanna Vincent, Heſter Vincent, and Mary Vincent.*
38. An act for the naturalizing of *Viſtor Chauntrel, Peter Martin, Mentia Van Urzell*, wife of *George Aldriche*, eſquire, *Sabina Aldriche, Edward, and Peſegrine Aldriche*, her children.

Anno 3 Jacobi.

- Cap. 1. For a publick thankſgiving to Almighty God every year on the fifth day of *November*.
- Cap. 2. For the attainder of divers offenders in the late moſt barbarous, monſtrous, deteſtable and damnable treaſons.
- Cap. 3. For explaining an act made in the firſt ſeſſion of this parliament, intituled, *An act authorizing certain commissioners of the realm of England, to treat with the commissioners of Scotland, for the weal of both kingdoms.*
- Cap. 4. For the better diſcovering and repreſſing of popiſh recusants.
- Cap. 5. To prevent and avoid dangers which may grow by popiſh recusants.
- Cap. 6. To enable all his Maſteſty's loving ſubjects of *England and Wales*, to trade freely into the dominions of *Spain, Portugal and France.*
- Cap. 7. To reform the multitudes and miſdemaneors of attornies and ſollicitors at law, and to avoid unneceſſary ſuits and charges in law.
- Cap. 8. To avoid unneceſſary delays of executions.
- Cap. 9. For the relief of ſuch as lawfully uſe the trade and handicraft of *ſkinners.*
- Cap. 10. For the rating and levying of the charges for conveying malefactors and offenders to the gaol.
- Cap. 11. For transportation of beer over the ſeas.
- Cap. 12. For the better preſervation of ſea-fiſh.
- Cap. 13. Againſt unlawful hunting, ſtealing of deer and conies.
- Cap. 14. For explanation of the ſtatute of ſewers.
- Cap. 15. For the recovering of ſmall debts, and for the relieving of poor debtors in *London.*
- Cap. 16. For the repeal of one act made in the fourteenth year of *Queen*

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- Queen *Elizabeth's* reign, concerning the length of kerfies.
- Cap. 17. Concerning *Welsh* cottons.
- Cap. 18. For the bringing in of a fresh stream of running water to the north part of the city of *London*.
- Cap. 19. For the repairing and maintaining of the highway leading from *Kingston* to *Nonfuch*.
- Cap. 20. For making passage from *London* to *Oxford* by water.
- Cap. 21. To restrain the abuses of players.
- Cap. 22. For the paving of *Drury-Lane*, and the town of *St. Giles's* in the fields, in the county of *Middlesex*.
- Cap. 23. For the making up and keeping in reparation of *Chepstow-bridge*.
- Cap. 24. For making a bridge over the river of *Severn*, in the county of *Worcester*.
- Cap. 25. For confirmation of four subsidies, of four shillings in the pound, granted to the King by the clergy.
- Cap. 26. For three intire subsidies, and six fifteens, granted to the King by the temporality.
- Cap. 27. For a confirmation of the King's general and free pardon.

Private Acts.

Anno 3 Jacobi.

1. An act for the assuring of certain small parcels of ground to *Robert* earl of *Salisbury* and his heirs, for the enlargement and commodious use of his mansion house in the *Strond*, now called *Salisbury house*, and for recompence to be given for the same.
2. An act for the assurance of the jointure of the right honourable *Frances* countess of *Essex*, wife of the right honourable *Robert* earl of *Essex*.
3. An act for the president and scholars of *Corpus Christi* college in the university of *Oxford*.
4. An act for the better sale of certain lands of *Henry* late lord *Windsor*, deceased, for payment of his debts, and better performance of his last will and testament.
5. An act for the establishing of the possessions and inheritance of *Edmund* late lord *Chandos* of *Sudeley*, deceased.
6. An act to establish in the crown the lands and possessions of *Henry* late lord *Cobham*, and *George Brooke*, esquire, attainted of high treason, with a confirmation of grants made by his Majesty.
7. An act for the confirmation of certain leases and estates made by the right honourable *Robert* lord *Spencer*, and by his late father deceased, and his mother now living.
8. An act for the restoring and enabling of *Henry* lord *Danvers*, as son and heir to sir *John Danvers*, knight, deceased, notwithstanding the attainder and corruption of blood of sir *Charles Danvers*, knight, deceased, elder brother of the said lord *Danvers*.
9. An act for the confirmation of the King's majesty's letters patents made to the provost and scholars of *Oriel* college in *Oxford*.
10. An act for confirmation of letters patents made to the governors of the free grammar school at *Saint Bees*, in the county of *Cumberland*.
11. An act to enable sir *Christopher Hatton*, knight, to dispose of certain lands, tenements and hereditaments, notwithstanding a limitation or clause of perpetuity annexed to his estate.
12. An act to assure and confirm the sale of certain lands lying within the county of *Middlesex*, to *Thomas Lake*, knight, and dame *Mary*, his wife.
13. An act for sale of certain lands of sir *Jonathan Trelowny*, knight, deceased, for payment of his debts.

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14. An act for assuring of the jointure of dame *Elinor Cave*, wife of sir *Thomas Cave of Standforde*, in the county of *Northampton*, knight.
15. An act for enabling of *John Hotham*, esquire, the father, and *John Hotham* his son, to convey certain lands for a jointure of such wife as *John* the son shall marry.
16. An act for the settling of the manor of *Rye* in the counties of *Gloucester* and *Worcester*, upon *William Throckmorton*, esquire, and his heirs, according to a feoffment thereof made by *Charles* late earl of *Devonshire*.
17. An act for the more speedy sale of certain lands of sir *Thomas Rowse*, knight, for payment of his debts.
18. An act for assurance of certain lands late sir *John Skinner's*, knight, to sir *William Smith* and sir *Michael Hicke*s, knights.
19. An act for the relief of *John Roger*, gentleman, against *Robert Taylor*, *Paul Taylor*, and *William Taylor*, for defrauding of a trust reposed in *Thomas Taylor* their father, and decreed against them in the high court of chancery.
20. An act for the assurance of the lands of *Walter Walsh*, esquire.
21. An act for sale of certain lands of *Edward Downes*, esquire, for payment of his debts.
22. An act for the naturalizing of sir *David Foulis*, knight, and for confirmation of letters patents by his most excellent Majesty to him made.
23. An act for the naturalizing of the children of sir *Edward Conway*, knight, lieutenant governor of the King's majesty's cautionary town of the *Brill*.
24. An act for the naturalizing of sir *James Areskyn*, knight, his wife and children.
25. An act for the naturalizing of sir *David Murray*, knight, gentleman of the Prince his bedchamber, and *Thomas Murray*, esquire, schoolmaster to the duke of *York*.
26. An act for the naturalizing of *Daniel Godfrey* of the parish of *Saint Buttolphes* without *Aldgate*, gentleman.
27. An act for the restitution in blood of *John Holland* son of *Brian Holland*, and *Thomas Holland* son of the said *John Holland*.
28. An act for restitution of *Rowlande Mericke*, son of sir *Gelley Mericke*, knight, and dame *Margaret*, wife of sir *John Vaughan*, knight, daughter of the said sir *Gelley*, in blood.
29. An act for the performance and execution of a decree in the chancery, made between *William le Gris*, plaintiff, and *Robert Cottrell*, defendant.

Anno 4 Jacobi.

- Cap. 1. For the utter abolition of all memory of hostility, and the dependence thereof, between *England* and *Scotland*, and for the repressing of occasions of disorders, and disorders in time to come.
- Cap. 2. For the true making of woolen cloth.
- Cap. 3. To give costs to the defendant upon a nonsuit of the plaintiff, or verdict against him.
- Cap. 4. To restrain the utterance of beer and ale to alehouse-keepers and tiplers not licenced.
- Cap. 5. For repressing the odious and loathsome sin of drunkenness.
- Cap. 6. For repealing so much of one branch of a statute made in the first year of his Majesty's reign, intituled, *An act concerning tanners, curriers, shoemakers, and other artificers occupying the cutting of leather*, as concerneth the sealing of sheepskins, and to avoid selling of tanned leather by weight.
- Cap. 7. For the founding and incorporating of a free grammar-school in

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in the town of *Northleach* in the county of *Gloucester*.

Cap. 8. Touching the drowned marshes of *Lefnes* and *Fants* in the county of *Kent*.

Cap. 9. To explain a former act made in the last session of this parliament, intituled, *An act to enable all his Majesty's loving subjects of England and Wales, to trade freely into the dominions of Spain, Portugal and France*.

Cap. 10. For confirmation of some part of a charter granted by King *Henry the Sixth* to the mayor, bailiffs and burgeses of the town of *Southampton*, and for the relief of the said town.

Cap. 11. For the better provision of meadow and pasture, for necessary maintenance of husbandry and tillage in the manors, lordships and parishes of *Marden*, alias *Mawarden*, *Bodenham*, *Wellington*, *Sutton St. Michael*, *Sutton St. Nicholas*, *Murton upon Lug*, and the parish of *Pipe*, and every of them, in the county of *Hereford*.

Cap. 12. For explanation of a statute made in the third year of the reign of King *James*, intituled, *An act for the bringing in of a fresh stream of running water to the north parts of the city of London*.

Cap. 13. For the draining of certain fens and low grounds in the isle of *Ely*, subject to hurt by surrounding, containing about six thousand acres, compassed about with certain banks, commonly called and named the ring of *Waldersley* and *Cooltham*.

Private Acts.

Anno 4 Jacobi.

1. An act for the assurance of the house of *Theobalds*, and divers manors and other lands, to the Queen's majesty for term of her life, and of the same house, manors and lands, with other manors and lands, to the King's most excellent Majesty, his heirs

and successors, and for the assurance of other manors and lands to the earl of *Salisbury* and his heirs.

2. An act for the enabling of *John Goode*, esquire, to convey unto his Majesty a small portion of land during a term of years.

3. An act for the establishment and assurance of divers of the possessions and hereditaments of *Ferdinando* late earl of *Derby*.

4. An act whereby *Richard Sackville*, esquire, is enabled to make a surrender unto the King's majesty of the offices of chiefe butler of *England* and *Wales*, notwithstanding his minority of years.

5. An act for the assuring of the advowson of the vicarage of *Chestnut* to *Robert* earl of *Salisbury* and his heirs, and of the advowson of the rectory of *Orset* to *Richard* bishop of *London* and his successors.

6. An act for confirmation of an agreement betwixt *Edward* lord *Bruce* and *Michael Dayly* and others, for the lands late of *William Igrave* deceased.

7. An act for confirmation of the King's majesty's letters patents made to *Robert Bathurst*, esquire, of the manor and borough of *Lachlad* in the county of *Gloucester*.

8. An act for the confirmation of the King's majesty's letters patents made to *William Bourcher*, esquire, of the manor of *Bardisley* in the county of *Gloucester*.

9. An act for confirmation of certain lands to the warden and college of the souls of all faithful people deceased of *Oxon*, and of other lands to sir *William Smith*, knight.

10. An act for securing and confirming of the lands, tenements and rents heretofore granted, devised or conveyed to several companies within the city of *London*, and to the mayor and commonalty and citizens of the city of *London*.

11. An act for further assurance to the

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the purchasers of certain lands late fir *Jonathan Trelawney's*, knight, deceased, appointed by act of parliament to be sold for payment of his debts.

12. An act for restitution in blood of the sons and daughters of *Edward Windsor*.

13. An act for the better enabling of *John Evelyn*, esquire, to make sale of certain lands for the payment of his debts.

14. An act for the assignment of a jointure to such wife as *John Thompson*, son and heir of *Robert Thompson* a lunatick, shall marry, and for present maintenance of the said *John*.

15. An act for the sale of the lands of *William Waller*, esquire, to perform a decree in chancery, for the payment of 505 l. 10 s. 6 d.

16. An act for the naturalizing of *John Steward*, esquire, brother and heir apparent to *Patrick* earl of *Orkney*.

17. An act for the naturalizing of *Peter Baro*, alias *Barow*, doctor of physick, and *Mary* his wife.

18. An act for the naturalizing of *James Desmaistres* of the parish of *St. Buttolphes* without *Aldgate*, and *Mary* his wife.

19. An act for the naturalizing of *Fabian Smith*.

20. An act for the naturalizing of *John Ramsden*.

Anno 7 Jacobi.

Cap. 1. For the better execution of justice, and suppressing of criminal offenders, in the north parts of the kingdom of *England*.

Cap. 2. That all such as are to be naturalized or restored in blood, shall first receive the sacrament of the Lord's supper, and the oath of allegiance and the oath of supremacy.

Cap. 3. For the continuing and bet-

ter maintenance of husbandry and other manual occupations, by the true employment of monies given and to be given for the binding out of apprentices.

Cap. 4. For the due execution of divers laws and statutes heretofore made against rogues, vagabonds, and sturdy beggars, and other lewd and idle persons.

Cap. 5. For ease in pleading troublesome and contentious suits prosecuted against justices of the peace, mayors, constables, and certain other his Majesty's officers, for the lawful execution of their office.

Cap. 6. For administering the oath of allegiance and reformation of married women recusants.

Cap. 7. For the punishing and correcting of deceit and frauds committed by sorters, kembers, and spinsters of wool, and weavers of woollen yarn.

Cap. 8. To enlarge an act of parliament made in the second and third year of King *Philip* and Queen *Mary*, intituled, *An act for keeping of milch kine, or breeding and rearing of calves*.

Cap. 9. For the bringing of fresh streams of water by engine from *Hackney Marsh* to the city of *London*, for the benefit of the King's college at *Chelsea*.

Cap. 10. For reformation of alehouse-keepers.

Cap. 11. To prevent the spoil of corn and grain by untimely hawking, and for the better preservation of pheasants and partridges.

Cap. 12. To avoid the double payment of debts.

Cap. 13. For the explanation of one statute made in the second session of this present parliament, intituled, *An act against unlawful hunting and stealing of deer and conies*.

Cap. 14. For reviving of part of a former act made in the fourth year of King *Edward* the Fourth, That

no

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no stranger or alien shall buy *Englilh* horns unwrought, and that the wardens of the horners of the city of *London* for the time being, should have power to search all manner of wares appertaining to their mystry in *London* and twenty-four miles on every side of it.

Cap. 15. Concerning some manner of assignment of debts to his Majesty.

Cap. 16. For the encouragement of many poor people in *Cumberland* and *Westmorland*, and in the towns and parishes of *Carpentell*, *Oxhead* and *Broughton*, in the county of *Lancaster*, to continue a trade of making cogware, kendals, carpet-meals and coarse cottons.

Cap. 17. To prevent burning of ling, heath, &c. in certain counties in summer.

Cap. 18. For the taking, landing, and carrying of sea-sand for the bettering of ground, and for the increase of corn and tillage, within the counties of *Devon* and *Cornwall*.

Cap. 19. For the continuance and reparation of a new built wear upon the river of *Exe*, near unto the city of *Exeter*.

Cap. 20. For the speedy recovery of many thousand acres of marsh ground and other ground within the counties of *Norfolk* and *Suffolk*, lately surrounded by the rage of the sea in divers parts of the said counties, and for the prevention of the danger of the like surrounding hereafter.

Cap. 21. For confirmation of decrees hereafter to be made in the exchequer-chamber and duchy-court, concerning copyhold lands and tenements.

Cap. 22. For confirmation of a subsidy granted by the clergy to the King.

Cap. 23. For one subsidy and one fifteen granted to the King by the temporality.

Cap. 24. For a confirmation of the King's general and free pardon.

Private Acts.

Anno 7 Jacobi.

1. An act for confirmation of several decrees made in the court of exchequer chamber, and duchy chamber, between the King's majesty and divers copyholders of his Majesty's manor of *Wakefield* in the county of *York*.
2. An act for confirmation of a decree made in the court of exchequer chamber, between the King's majesty and the copyholders of his Majesty's manor of *Edelmeton*, alias *Edmonton*, in the county of *Middlesex*.
3. An act for the perfect creation and confirmation of certain copyhold lands in the honour, castle, manor or lordship of *Clitberoune*, or in the several manors or lordships of *Derby*, *Accarington*, *Colne* and *Ightenhill*, in the county of *Lancaster*.
4. An act for the assuring and establishing of the isle of *Man*.
5. An act for the explanation of a proviso or branch of a statute contained in an act of parliament made in the years of the reign of our sovereign lord King *James*, of *England*, *France* and *Ireland* the Fourth, and of *Scotland* the Fortieth, intituled, *An act for the establishment and assurance of divers of the possessions and hereditaments of Ferdinando late earl of Derby*.
6. An act for the assurance of certain lands and rent to the bishop of *Durresme* and his successors, and of certain other lands to *Robert* earl of *Salisbury* and his heirs.
7. An act for the naturalizing of sir *Robert Karre*, knight.
8. An act for the naturalizing of mistress *Jane Drummond*, gentlewoman of the Queen's majesty's bed-chamber.
9. An act for the sale of the manor of *Bretts*

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- Bretts* and farm of *Plastowe* in the county of *Essex*, parcel of the possessions of *Henry* earl of *Oxford*, towards the repurchasing of the castle, manor and parks of *Hemingham* in the same county, being the ancient inheritance and chief mansion house of the earls of *Oxford*.
10. An act for the assuring of the farm and demesnes of *Damerham* and other lands in *Wiltshire*, according to his Majesty's grant, and a former grant made by King *Edward* the Sixth.
 11. An act for the foundation of an hospital, a grammar school, and maintenance of a preacher, in the town of *Thetford*, for ever according to the last will and testament of *Richard Fullmarston*, knight.
 12. An act for the naturalizing of *John Murray*, *John Livingston*, and *John Auchmothy*, grooms of his Majesty's bedchamber, and *Richard Murray*, warden of *Manchester*.
 13. An act for the naturalizing of *Levinus Munke*, one of the clerks of his Majesty's signet.
 14. An act for the confirming and establishing of a decree made in the high court of chancery, for and on the behalf of nine poor children and orphans of *William Elrington* and *Edward Elrington*, against *Edward Cage*, executor of the last will and testament of *Rowland Elrington*, brother of the said *Edward* and *William Elrington*, and uncle of the said children, and for the extending of the lands and goods of the said *Edward Cage*, for the speedy execution and performance of the said decree, and the payment and satisfaction of the sums of money thereby decreed to the said children.
 15. An act for the naturalizing of *Robert Browne*, his Majesty's servant in ordinary.
 16. An act for confirmation of certain fines levied by *John Arundell* of *Guarnack*, esquire, to *John Arundell* of *Trerise*, esquire, deceased, and for settling of the manors, lands, tenements and hereditaments comprised in the said fines, upon *John Arundell*, esquire, and his heirs, son of the said *John Arundell*, deceased.
 17. An act to enable *Edward Nevill*, lord *Bergavenny*, and sir *Henry Nevill*, knight, his eldest son, to alien certain lands, for payment of their debts, and advancement of their daughters and younger sons, and for better assurance of other lands lately purchased by the said lord from his Majesty.
 18. An act for the restitution in blood of the son and two daughters of *George Brooke*, late attainted of high treason.
 19. An act for the disuniting of the parsonages of *Ashe* and *Deane* within the county of *Southampton*, being representative and with the cure of souls.
 20. An act for the naturalizing of *Henry Gibb*, groom of the bedchamber to the most excellent prince *Henry* prince of *Wales*.
 21. An act for sale of part of the lands of *William Essex* of *Lamborne* in the county of *Berks*, esquire, for the payment of his debts, and settling the residue upon himself and his posterity.
 22. An act for the relief of *John Holdich*, gentleman, disinherited by the extraordinary amending of the errors of a fine.
 23. An act for the naturalizing of sir *George Ramsay*, knight, equerry of the most excellent prince *Henry*, *Walter Alexander*, gentleman usher of the said prince *Henry*, and *John Sandilands*, groom of the said prince his bedchamber.
 24. An act for the naturalizing of *Peter Vanloore* of *Fanchurch-street*, *London*, merchant.
 25. An act for the securing and confirming of certain lands and tenements, heretofore granted, devised

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- or conveyed to the companies of salters and brewers of *London*.
26. An act for the uniting and annexing of the parsonage and decayed parish of *Froom Whitfield*, in the county of *Dorset*, to the parsonage and parish of the *Holy Trinity* in *Dorchester*, in the said county.
 27. An act to confirm and enable the erection and establishment of an hospital, a free grammar school, and sundry other godly and charitable acts and uses, done and intended to be done and performed by *Thomas Sutton*, esquire.
 28. An act for making void of certain conveyances, and the estates limited thereby, unduly gotten from sir *Henry Crispe*, knight, whereby he is defrauded of the inheritance of divers manors, lands, tenements and hereditaments lying in the county of *Kent*, and for the establishing of the inheritance of the same in the said sir *Henry Crispe* and his heirs.
 29. An act for the enabling of the assurance of certain lands conveyed for the portions of three of the daughters of *John Wentworth*, esquire, and for the confirmation of certain other estates for life in other lands, and to enable sir *John Wentworth*, knight, to sell certain lands for the payment of his debts.
 30. An act for the enabling of *Reginald Rous* of *Badlingham* in the county of *Suffolk*, gentleman, to make sale of the third part of the manor of *Badingham hall* with the appurtenances, and of the third part of certain other lands and tenements with the appurtenances in *Badingham*, *Tymington*, and *Little Glemham*, in the said county of *Suffolk*, to *Reginald Rous* of the *Inner Temple*, *London*, esquire, nephew to the said *Reginald Rous* of *Badingham*.
 31. An act for the naturalizing of *Edward Palmer*, and *Henry Palmer*, sons of *William Palmer* of *Ullisling*, and of *Michael Boyle*, the son of *James Boyle*, citizen and mercer of *London*.
 32. An act for the enabling of *Charles Waldegrave*, esquire, to make sale of certain lands for the payment of his debts, and the advancement of his younger sons and daughters.
 33. An act for the naturalizing of *Richard Bladwell*, *John Bladwell*, and *Robert Bladwell*, the sons of *John Bladwell* an *Englishman*, *George Hasden* and *John Hasden* the sons, and *Martin Hasden* the wife of *John Hasden*, an *Englishman*, *Elizabeth Cradock* and *Anne Cradock*, the daughters of *William Cradock* an *Englishman*, *Jane* alias *Janekyn Carstans*, and *Elizabeth Van Buechton*.
 34. An act for the confirmation of the sale and conveyance of divers manors, lordships, liberties, and other hereditaments, late *Henry Fernegars*, esquire, made by sir *Thomas Hirne*, knight, *Christopher Hirne*, gentleman, and *Clement Hirne*, esquire, unto sir *John Houeningham*, knight, and dame *Bridget* his wife.
 35. An act for the naturalizing of *John Mounsfy*.
 36. An act for the naturalizing of *Johannekyn* alias *Joane Greensmith*, daughter of *Matthew Greensmith*, citizen and grocer of *London*.
 37. An act for confirmation of three several writings indented, purporting and setting forth the revocations of three several conveyances or assurances made by sir *Robert Drury*, knight, unto divers persons, upon natural considerations only.
 38. An act for the naturalizing of *Margaret Clarke*, wife of *Robert Clarke*, gentleman.
 39. An act for the attending of a writ of entry whereupon a common recovery was had of the inheritance of sir *John Byron*, knight, within the county palatine of *Lancaster*.
 40. An act for the naturalizing the right reverend father in God *George Montgomery*, lord bishop of *Derry* in *Ireland*, sir *James Fullarton*, and
sir

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for *Hugh Montgomery*, knight, and *Hugh* and *James Montgomery*, children of the said *for Hugh Montgomery*.

41. An act for the naturalizing of *Martinus Schonerus*, ordinary physician to the Queen's majesty, *Dorothy Seelkyn*, and *Engella Seelkyn*, two maids of the Queen's majesty's bed-chamber, *Katherine Benneken*, servant to the Queen's majesty, *John Wolfgang Rumbler*, apothecary in ordinary to the King and Queen's majesty, and *Anna de Lobell alias Wolfgang Rumbler*, his wife.

42. An act to make one writing indented, bearing date the ninth day of *March* in the first year of his Majesty's reign of *England*, made by *Christopher Smith*, esquire, and *Millicent Smith* his son and heir apparent, purporting a revocation of the uses and estates of the manor of *Water Newton* in the county of *Huntingdon*, and of divers lands, tenements and hereditaments in the said writing of revocation mentioned, to have the full force and power of a perfect deed of revocation, according to the purport of the said writing, and according to the true intent and meaning of the parties thereunto, whereby the said *Millicent Smith* may be enabled to make sale for the payment of his debts.

Anno 18 Jacobi.

Cap. 1. For three intire subsidies granted by the spirituality.

Cap. 2. For two intire subsidies granted by the temporality.

Private Act.

Anno 18 Jacobi.

1. An act containing the censure given in parliament against *for Gyles Mompeffon*, *for Francis Mitchell*, *Francis viscount Saint Albane*, lord chancellor of *England*, and *Edward Flood*.

Anno 21 Jacobi.

Cap. 1. For the reviving and making perpetual of one act made in the nine and thirtieth year of the late Queen *Elizabeth*, intituled, *An act for erecting of hospitals, and abiding and working-houses for the poor*.

Cap. 2. For the general quiet of the subjects against all pretence of concealment whatsoever.

Cap. 3. Concerning monopolies and dispensations with penal laws, and the forfeitures thereof.

Cap. 4. For the ease of the subject, concerning informations upon penal statutes.

Cap. 5. That sheriffs, their heirs, executors and administrators, having a *Quietus est*, shall be absolutely discharged of their accounts.

Cap. 6. Concerning women convicted of small felonies.

Cap. 7. For the better repressing of drunkenness, and restraining the inordinate haunting of inns, ale-houses and other victualling-houses.

Cap. 8. To prevent the abuses in procuring process and *superfedeas* of the peace and good behaviour, out of his Majesty's courts at *Westminster*, and to prevent the abuses in procuring writs of *certiorari* out of the said courts; for the removing of indictments found before justices of the peace in their general sessions.

Cap. 9. For the free trade and traffick of *Welsh* cloths, cottons, frizes, linings and plains, in and through the kingdom of *England* and dominion of *Wales*.

Cap. 10. For repeal of one branch of the statute made in the session of parliament holden by prorogation at *Westminster* the 22d day of *January* in the 34th year of the reign of King *Henry* the Eighth, intituled, *An act for certain ordinances in the King's majesty's dominion and principality of Wales*.

Cap. 11. For confirming a judgment given

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- given in chancery for the revoking and annulling of certain letters patents granted to *Henry Heron*, for the sole privilege of salting, drying, and packing of fish within the counties of *Devon* and *Cornwall*.
- Cap. 12. To enlarge and make perpetual the act made for ease in pleading, against troublesome and contentious suits prosecuted against justices of the peace, mayors, constables, and certain other his Majesty's officers, for the lawful execution of their office, made in the seventh year of his Majesty's most happy reign.
- Cap. 13. For the further reformation of jocosails.
- Cap. 14. To admit the subject to plead the general issue in informations of intrusions brought on the behalf of the King's majesty, and retain his possession till trial.
- Cap. 15. To enable judges and justices of the peace, to give restitution of possession in certain cases.
- Cap. 16. For limitation of actions, and for avoiding of suits in law.
- Cap. 17. Against usury.
- Cap. 18. For continuance of a former act made in the fourth year of his Majesty's reign, intituled, *An act for the true making of woollen cloths*, and for some additions and alterations in and to the same.
- Cap. 19. For the further description of a bankrupt, and relief of creditors against such as shall become bankrupts, and for inflicting corporal punishment upon the bankrupts in some special cases.
- Cap. 20. To prevent and reform profane swearing and cursing.
- Cap. 21. Concerning hostlers and innholders.
- Cap. 22. For the explanation of the statutes made in the 3d, 4th, and 5th years of King *Edward* the Sixth, concerning the traders of butter and cheese.
- Cap. 23. For avoiding of vexatious delays, caused by removing actions and suits out of inferior courts.
- Cap. 24. For the relief of creditors against such persons as die in execution.
- Cap. 25. For the relief of patentees, tenants and farmers of crown-lands and duchy-lands, or of lands within the survey of the court of wards and liveries, in cases of forfeiture for not payment of their rents, or other service or duty.
- Cap. 26. Against such as shall levy any fine, suffer any recovery, knowledge any statute, recognizance, bail or judgment, in the name of any other person or persons not being privy and consenting thereto.
- Cap. 27. To prevent the destroying and murdering of bastard children.
- Cap. 28. For continuing and reviving of divers statutes, and repeal of divers others.
- Cap. 29. To enable the most excellent prince *Charles*, to make leases of lands, parcel of his highness duchy of *Cornwall*, or annexed to the same.
- Cap. 30. For a messuage, called *York-house*, and other tenements belonging to the archbishop of *York*, assured to the King's majesty and his successors, in exchange of several manors, &c. in the county of *York*, given to *Toby*, archbishop of *York*, and his successors.
- Cap. 31. For incorporating the makers of knives and other cutlery wares in *Hallamshire* in the county of *York*.
- Cap. 32. For making the river of *Thames* navigable for barges, boats and lighters, from the village of *Bercot*, in the county of *Oxon*, unto the university and city of *Oxon*.
- Cap. 33. For four intire subsidies granted by the spirituality.
- Cap. 34. For three intire subsidies, and three fifteens and tenths granted by the temporality.
- Cap. 35.

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Cap. 35. A confirmation of the King's general and free pardon.

Private Acts.

Anno 21 Jacobi.

1. An act for the confirmation of *Wadham* college in *Oxford*, and the possessions thereof.
2. An act for the naturalizing of *Philip Burlematchi* of *London*, merchant.
3. An act for the naturalizing of *Giles Vantleput* of *London*, merchant.
4. An act to enable *William* earl of *Hertford*, and *sir Francis Seymour*, knight, brother of the said earl, to convey certain lands for payment of his debts, and for establishing of other lands in lieu thereof, and of better value.
5. An act for the naturalizing of *sir Robert Anstrotter*, knight, one of the gentlemen of his Majesty's privy-chamber, *sir George Abercromy*, knight, late gentleman of the robes to the late Queen *Anne* of worthy memory, and *John Cragge*, doctor of physick, physician to the high and mighty prince *Charles*, your Majesty's dearest son.
6. An act for confirmation of the copyhold estates and customs of divers copyholders of the manors of *Stepney* and *Hackney*, according to certain indentures of agreement, and a decree in the high court of chancery, made between the lord of the said manors and the copyholders.
7. An act for confirmation of the assurance of certain lands sold by *sir Thomas Beaumont*, knight and baronet, lord viscount *Beaumont* of *Swoords* in the kingdom of *Ireland*, and dame *Elizabeth* his wife, unto *sir Thomas Cheeke*, knight.
8. An act for erecting a free school, an almshouse, and an house of correction within the county of *Lincoln*.
9. An act to enable *Martin Calthorpe*, esquire, to make sale of certain lands for preferment of his younger children, and payment of his debts.
10. An act for the settling and assuring of the manor of *Goodneston*, and other lands of *sir Edward Engham*, knight.
11. An act for the naturalizing of *Elizabeth Veere* and *Mary Veere*, daughters of *sir Horace Veere*, knight.
12. An act to enable dame *Alice Dudley* wife of *sir Robert Dudley*, knight, to assure her estate in the manor of *Killingworth*, and other lands in the county of *Warwick*, for valuable consideration, to the prince's highness and his heirs.
13. An act for confirmation of an exchange of lands between the most excellent prince *Charles* and *sir Lewis Watson*, knight and baronet.
14. An act for the settling of certain manors and lands of the right honourable *Anthony* viscount *Mountague*, towards the payment of his debts and raising of his daughters portions.
15. An act to enable *sir Richard Lumley*, knight, to sell divers manors and lands for the payment of his debts, and preferment of his younger children.
16. An act for the confirmation of a decree in chancery, made by the consent of the lord of the manor of *Painswick* in the county of *Gloucester*, and the customary tenants of the same manor.
17. An act for the naturalizing of *sir Francis Stewart*, knight, *Walter Stewart*, *James Maxwell*, *William Carr*, and *James Livingston*, esquires.
18. An act for the naturalizing of *John Younge* doctor of divinity, and dean of the cathedral church of *Winchester*.
19. An

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- Cap. 1. (2.) For the further reformation of sundry abuses committed on the Lord's day, commonly called *Sunday*.
- Cap. 2. (3.) To restrain the passing or sending of any to be popishly bred beyond the seas.
- Cap. 3. (4.) For the better suppressing of unlicensed alehouse-keepers.
- Cap. 4. (5.) For repeal and continuance of divers statutes.
- Cap. 5. (6.) For confirming a late composition made with the tenants of *Bromfield* and *Yale* in the county of *Denbigh*.
- Cap. 6. (7.) For five subsidies granted by the spirituality.
- Cap. 7. (8.) For five subsidies granted by the temporality.

Private Acts.

Anno 3 Caroli.

1. An act for the establishing and confirming of the foundation of the hospital of King *James*, founded in *Charterhouse* in the county of *Middlesex*, at the humble petition and only costs and charges of *Thomas Sutton*, esquire, and of the possessions thereof.
2. An act for assurance of a jointure to dame *Frances* wife of sir *Thomas Nevill*, knight, son and heir apparent of sir *Henry Nevill*, knight, lord *Abergavenny*; and to enable the same lord and sir *Thomas* to sell certain lands for payment of their debts, and preferment of their younger children.
3. An act concerning the inheritance, freehold and possessions of *William* earl of *Devon*.
4. An act concerning the title, name and dignity of earl of *Arundell*, and for the annexing of the castle, honour, manor and lordship of *Arundell* in the county of *Suffex*, with the titles and dignities of the baronies of *Fitzallen Chux* and *Ofwaldestre* and *Matravers*, and with divers other lands, tenements and hereditaments hereafter in this act mentioned, being now parcel of the possessions of *Thomas* earl of *Arundell* and *Surry* earl marshal of *England*, to the same title, name and dignity of earl of *Arundell*.
5. An act for the enabling of the right honourable *Dutton* lord *Gerard* baron of *Gerards Bromley*, to make a jointure to any wife which he shall hereafter marry, and to make provision for any his younger children, and for the better securing of portions and limitation of maintenance for *Alice Gerard*, *Frances Gerard* and *Elizabeth Gerard*, sisters of the said *Dutton* lord *Gerard*, and daughters of the late right honourable *Gilbert* lord *Gerard* deceased.
6. An act for the confirmation of letters patents made by our late sovereign lord King *James* to *John* earl of *Bristol*, by the name of *John Digby*, knight.
7. An act for re-estating certain manors, lands and tenements in the county of *Somerset*, late of *William Morgan* of *Penrose* in the county of *Monmouth*, esquire, and discharging the trust concerning them.
8. An act for the naturalizing of sir *Robert Dyell*, knight, one of the gentlemen of his Majesty's privy chamber, and *George Korke*, esquire, one of the grooms of his Majesty's bedchamber.
9. An act for the naturalizing of sir *Daniell Deligne* of *Harlaxton* in the county of *Lincoln*, knight.
10. An act for the naturalizing of *Isaac Astley*, *Henry Astley*, *Thomas Astley*, and *Bernard Astley*, children and sons of sir *Jacob Astley*, knight, one of the younger sons of *Isaac Astley*, late of *Melton* Constable in the county of *Norfolk*, esquire, deceased.
11. An act for the naturalizing of sir *Robert Ayton*, knight.
12. An act for the naturalizing of *Samuel Powell*, born at *Hunborough* in the

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the parts beyond the seas of *English* parents.

13. An act for the amendment of a word casually mistaken and miswritten in an act of parliament made in the session of parliament holden at *Westminster* the nineteenth day of *February* in the one and twentieth year of the reign of our late sovereign lord King *James* of *England*, intituled, *An act to enable Vincent Lowe of Denbigh in the county of Derby, esquire, to sell part of his land for payment of his debts.* cap. 23.
14. An act for the naturalizing of *Alexander Livingston*, gentleman.
15. An act for the naturalizing of *James Freese* born in *Russia*.
16. An act for restitution in blood of *Carrw Raleigh*, son of sir *Walter Raleigh* late attainted of high treason, and for confirmation of certain letters patents made by our late sovereign lord King *James* to *John* earl of *Bristol*, by the name of *John Digby*, knight.
17. An act for the naturalizing of *John Aldersey*, *Mary Aldersey*, now the wife of *Robert Crane*, *Anne Aldersey*, *Elizabeth Aldersey*, and *Margaret Aldersey*, children of *Samuel Aldersey* of the city of *London*, esquire.
18. An act for the perfect settling and confirmation of the estates and customs of the customary tenants of the right honourable *Henry* now lord *Morley* and lord *Mountegle*, baron of *Rye*, within the manor of *Horneby* and elsewhere within the townships of *Tatham*, *Gressingham* and *Heskrigg* in the county palatine of *Lancaster*.
19. An act for the naturalizing of *John Trumball* and *Ann Trumball*, children of *William Trumball*, esquire, and of *William Bere*, *Edward Bere* and *Sidney Bere*, sons of *John Bere*, esquire, and of *Samuel Wentworth* son of *William Wentworth* of *Dover*, merchant.

Anno 16 Caroli.

- Cap. 1. For the preventing of inconveniencies happening by the long intermission of parliament.
- Cap. 2. For relief of his Majesty's army, and the northern parts of the kingdom.
- Cap. 3. For the reforming of some things mistaken in the late act made this present parliament, for the granting of four subsidies, intituled, *An act for the relief of his Majesty's army.*
- Cap. 4. For the further relief of his Majesty's army, and the northern parts of the kingdom.
- Cap. 5. For the better raising and levying of mariners, sailors, and others, for the present guarding of the seas, and necessary defence of the realm.
- Cap. 6. Concerning the limitation and abbreviation of *Michaelmas* term.
- Cap. 7. To prevent inconveniencies by the untimely adjournment of parliaments.
- Cap. 8. A subsidy granted to the King of tonnage, poundage, and other sums of money payable upon merchandize exported and imported.
- Cap. 9. For the speedy provision of money for disbanding the armies, and settling the peace of the two kingdoms of *England* and *Scotland*.
- Cap. 10. For the regulating of the privy council, and for taking away the court commonly called the *Star-Chamber*.
- Cap. 11. A repeal of the branch of a statute *primo Elizabetha*, concerning commissioners for causes ecclesiastical.
- Cap. 12. A subsidy granted to the King of tonnage and poundage, and other sums of money payable upon merchandizes exported and imported.
- Cap. 13. For the securing such monies as are or shall be due to the inhabitants

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inhabitants of the county of *York*, and the other adjoining counties, wherein his Majesty's army is or hath been billeted.

Cap. 14. For the declaring unlawful and void the late proceedings touching ship-money, and for the vacating all records and process concerning the same.

Cap. 15. Against divers incroachments and oppressions in the stannary courts.

Cap. 16. For the certainty of forests, and of the meets, meers, limits and bounds of the forests.

Cap. 17. For the pacification between *England* and *Scotland*.

Cap. 18. For securing by publick faith, the remainder of the friendly assistance and relief promised to our brethren of *Scotland*.

Cap. 19. For confirming an act for the better ordering and regulating of the office of clerk of the market, and for the reformation of false weights and measures.

Cap. 20. For the prevention of vexatious proceedings touching the order of knighthood.

Cap. 21. For the free bringing in of gunpowder and saltpetre from foreign parts, and for the free making of gunpowder in this realm.

Cap. 22. A subsidy granted to the King of tonnage and poundage, and other sums of money, payable upon merchandize exported and imported.

Cap. 23. For the raising of mariners and sailors for the guarding of the seas and his Majesty's dominions.

Cap. 24. To relieve captives taken by the Turks, and to prevent the taking of others hereafter.

Cap. 25. A subsidy granted to the King of tonnage and poundage, &c. from the last of *November* 1641. to the first of *Feb.* next, and likewise until the 2d of *July* 1642.

Cap. 26. For the raising of matiners

and sailors for the guarding the seas and his Majesty's kingdoms.

Cap. 27. For the disenabling all persons in holy orders to exercise any temporal jurisdiction or authority.

Cap. 28. For the raising of soldiers for the defence of *England* and *Ireland*.

Cap. 29. A subsidy granted to the King of tonnage and poundage and other sums of money payable upon merchandize exported and imported.

Cap. 30. For a contribution and loan for the distressed people of *Ireland*.

Cap. 31. A subsidy granted to the King of tonnage and poundage and other sums of money payable upon merchandize exported and imported.

Cap. 32. For the raising and levying of monies for the necessary defence, and great affairs of the kingdoms of *England* and *Ireland*, and for the payment of debts undertaken by parliament.

Cap. 33. For the reducing the rebels in *Ireland* to their obedience to his Majesty, and the crown of *England*.

Cap. 34. For the explanation of a former act for the reducing the rebels in *Ireland*.

Cap. 35. To enable corporations to adventure in *Ireland*.

Cap. 36. A subsidy granted to the King of tonnage, poundage, and other sums of money payable upon merchandize exported and imported.

Cap. 37. For the further reducing of the rebels in *Ireland* to their obedience to the King and crown of *England*.

Private acts.

Anno 16 Caroli.

1. An act for the attainer of *Thomas* earl of *Strafford* of high treason.

2. An act to enable the marquis of *Winchester* to grant estates for three lives

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- lives or one and twenty years, &c. of lands in the county of *Southampton*, &c. reserving the old rents.
3. An act for naturalizing of *Dorothy Spencer*, daughter of *Henry* lord *Spencer* baron *Spencer* of *Wormleighton*.
4. An act for the enabling of the sale and leasing of lands for payment of the debts of *Thomas* late earl of *Winchelsea*.
5. An act for the settling and estat- ing upon the right honourable the lady *Elizabeth* countess dowager of *Exeter*, her heirs and assigns for ever, the site of the hospital of *Saint Leonards* without the town of *Newarks* upon *Trent* in the county of *Nottingham*, with the dwelling- ing house and other buildings thereupon built, and of certain closes and grounds parcel of the possessions of the said hospital, and for the annexing of divers lands and tenements of better value, be- ing the inheritance of the said countess, unto the possessions of the said hospital for ever, in lieu of the same.
6. An act for the making of the cha- pel of *Hool* in the county of *Lan- caster* a parish church, and no part of the parish of *Griffon*.
7. An act for *John Eggar's* free school within the parish of *Alton* in the county of *Southampton*.
8. An act for the settling of certain manors, lands, tenements and hereditaments on *Katherine* countess dowager of *Bedford*, *William* now earl of *Bedford*, *John Russell* and *Edmond Russell*, esquires, sons of *Francis* earl of *Bedford* deceased.
9. An act for the confirmation of his Majesty's letters patents to the town of *Plimouth*, and for dividing the parish, and building of a new church there.
10. An act for the alteration of the estate and tenure of some lands within the parish of *Fulham* in the county of *Middlesex*, held of the lord

bishop of *London* as of his manor of *Fulham*.

11. An act to settle the manor of *Bel- grave* and other lands in the county of *Leicester* to and upon *William Byerley*, esquire, his heirs and assigns, for and towards payment of the debts of *William Davenport*, esquire, deceased.
12. An act to enable sir *Alexander Denton*, knight, to sell the manor of *Great Barford* alias *Barford Saint Michael*, and other lands in this present act mentioned, for the pay- ment of his debts and preferment of his younger children.
13. An act for the assuring of a mes- suage called *Duresme House* alias *Durham House*, and certain stables, part of the possessions of the bishop of *Durham*, situate in the parish of *Saint Martin in the Fields* in the county of *Middlesex*, unto the right honourable *Philip* earl of *Pembroke* and *Mountgomery* and his heirs, and of a yearly rent of two hundred pounds *per annum* to the said bishop of *Durham* and his successors in lieu thereof.

Anno 12 Caroli II.

- Cap. 1. For removing and preventing all questions and disputes concern- ing the assembling and sitting of this present parliament.
- Cap. 2. For putting in execution an ordinance mentioned in the said act.
- Cap. 3. For the continuance of pro- ceeds and judicial proceedings con- tinued.
- Cap. 4. A subsidy granted to the King of tonnage and poundage, and o- ther sums of money, payable upon merchandize exported and im- ported.
- Cap. 5. For continuing the excise until the twentieth of *August* 1660.
- Cap. 6. For the present nominating of commissioners of sewers, and the statute of *Henry* the Eighth to con- tinue in force.

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- Cap. 7. For restoring unto *James* marquis of *Ormond* all his honours, manors, lands and tenements in *Ireland*, whereof he was in possession the 23d day of *October* 1641. or at any time since.
- Cap. 8. For continuing the excise till the 25th day of *December* 1660.
- Cap. 9. For the speedy provision of money for disbanding and paying off the forces of this kingdom, both by land and sea.
- Cap. 10. Explanations of certain defaults in an act, intituled, *An act for the speedy provision of money for disbanding, and paying off the forces of this kingdom both by land and sea.*
- Cap. 11. For free and general pardon, indemnity and oblivion.
- Cap. 12. For confirmation of judicial proceedings.
- Cap. 13. For the restraining the taking of excessive usury.
- Cap. 14. For a perpetual anniversary thanksgiving on the nine and twentieth day of *May*.
- Cap. 15. For the speedy disbanding of the army and garrisons of this kingdom, with instructions for the same.
- Cap. 16. For enabling the soldiers of the army, now to be disbanded, to exercise trades.
- Cap. 17. For the confirming and restoring of ministers.
- Cap. 18. For the encouraging and increasing of shipping and navigation.
- Cap. 19. To prevent frauds and concealments of his Majesty's customs and subsidies.
- Cap. 20. For the raising of seven score thousand pounds, for the compleat disbanding of the whole army, and paying part of the navy.
- Cap. 21. For the speedy raising of seventy thousand pounds for the present supply of his Majesty.
- Cap. 22. For the regulating of the trade of bay-making in the *Dutch* bay-hall in *Colcheſter*.
- Cap. 23. A grant of certain impositions upon beer, ale, and other liquors, for the increase of his Majesty's revenue during his life.
- Cap. 24. For taking away the court of wards and liveries, and tenures in *capite*, and by knights service, and purveyance, and for settling a revenue upon his Majesty in lieu thereof.
- Cap. 25. For the better ordering the selling of wines by retail, and for preventing abuses in the mingling, corrupting and vitiating of wines, and for settling and limiting the prices of the same.
- Cap. 26. For the levying of the arrears of the twelve months assessment, commencing the 24th of *June* 1659. and the six months assessment, commencing the 25th of *December* 1659.
- Cap. 27. For granting unto the King's majesty four hundred and twenty thousand pounds, by an assessment of threescore and ten thousand pounds by the month, for six months, for disbanding the remainder of the army, and paying off the navy.
- Cap. 28. For further supplying and explaining certain defects in an act, intituled, *An act for the speedy provision of money for disbanding and paying off the forces of this kingdom both by land and sea.*
- Cap. 29. For the speedy raising of seventy thousand pounds for the present supply of his Majesty.
- Cap. 30. For the attainder of several persons guilty of the horrid murder of his late sacred Majesty King *Charles* the First.
- Cap. 31. Leaves and grants from colleges and hospitals confirmed.
- Cap. 32. For prohibiting the exportation of wool, woollſels, fullers earth, or any kind of scouring earth.
- Cap. 33. For confirmation of marriages,
- Cap. 34.

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Cap. 34. For prohibiting the planting, setting or sowing of tobacco in *England* and *Ireland*.

Cap. 35. For erecting and establishing a post-office.

Cap. 36. The master of the rolls for the time being, impowered to make leases for years, in order to new build the old houses belonging to the rolls.

Cap. 37. For making the precinct of *Covent-Garden* parochial.

Private Acts.

Anno 12 Caroli II.

1. An act for naturalizing *Peter de la Pierre* alias *Peters*, and *John de la Pierre* alias *Peters*.
2. An act for the necessary maintenance of the work of draining the great level of the fens.
3. An act for restoring unto *Morough* alias *Morgan* earl of *Inchiquin* all his honours, manors, lands and tenements in *Ireland*, whereof he was in possession on the three and twentieth of *October* one thousand six hundred forty-one, or at any time since.
4. An act for restoring unto *William* marquess of *Newcastle* all his honours, manors, lands and tenements in *England*, whereof he was in possession on the twentieth day of *May* one thousand six hundred forty-two, or at any time since.
5. An act for the settling of the priory of *Watton* and other lands belonging to the earl of *Winchelsea* in the county of *York*, in the hands of trustees for the payment of debts.
6. An act for restoring of sir *George Lane*, knight, to the possession of the manors of *Rathclive* and *Lisduff*, and other lands in *Ireland*.
7. An act for restoring to *Charles* lord *Gerrard* baron of *Brandon*, all his honours, manors, lands, tenements and hereditaments, whereof he was in possession on the twentieth day of *May* one thousand six hundred

forty-two, or at any time thence.

8. An act for restoring of *John* lord *Culpeper*, son and heir and sole executor to *Thomas* lord *Culpeper* baron of *Thorsway*, and master of the rolls deceased, all the honours, manors, lands and tenements, leases not determined and hereditaments whatsoever, whereof the said *John* lord *Culpeper* was in possession on the twentieth day of *May* one thousand six hundred forty-two, or at any time after, which have not been since sold or aliened by the said *John* late lord *Culpeper* by acts or assurances to which himself was party and consenting.
9. An act for restoring of the marquess of *Hertford* to the dukedom of *Somerset*.
10. An act for enabling *Augustine* Skinner and *William* Skinner to make sale of some lands for payment of debts.
11. An act for the incorporating of the master and wardens of the company of *haberdashers*, *London*, to be governors of the free school and almshouses in *Newport* in the county of *Salop*, of the foundation of *William* Adams, and for settling of lands and possessions on them for maintenance thereof, and other charitable uses.
12. An act for the naturalizing of *Doratha* *Helena* countess of *Derby*, wife of the right honourable *Charles* earl of *Derby*, and *Emilia* called countess of *Ossory*, wife of the right honourable *Thomas* Butler called earl of *Ossory*, son and heir apparent of the right honourable *James* marquess of *Ormond* and earl of *Brecknocke*, and *Margaret* lady *Culpeper*, wife of the right honourable *Thomas* lord *Culpeper* baron of *Thorsway*, and the right honourable *Charles* Kirkhoven lord *Watton*, and dame *Emilia* his sister, children of *Katherine* Stanhop countess of *Chesterfield* by *John* Kirkhoven lord of *Hemsted*.
13. An act for enabling sir *George* Booth,

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- Booth*, baronet, to make leases and sales of part of his estate.
14. An act for restoring of *Henry* lord *Arundell* of *Warder* to the possession of his estate.
15. An act for restitution of *Thomas* earl of *Arundell*, *Surrey* and *Norfolk*, to the dignity and title of duke of *Norfolk*.
16. An act to restore to *Wentworth* earl of *Roscommon* of the kingdom of *Ireland* all the honours, castles, lordships, lands, tenements and hereditaments in *Ireland*, whereof *James* earl of *Roscommon* his great grandfather, *Robert* earl of *Roscommon* his grandfather, or *James* late earl of *Roscommon* his father, were in possession on the three and twentieth of *October* one thousand six hundred forty-one.
17. An act for enabling of *John Newton* the younger, and *William Oakley*, to make sale of lands for payment of debts and raising portions.
18. An act for restoring *George* *Hamilton* unto his lands and estate in *Ireland*.
19. An act for maintenance of the vicar for the time being of the vicaridge of *Roxton* in the county of *Hertford* and *Cambridge*; and of his successors vicars of the said vicaridge.
20. An act for enabling *William* *Wray* to sell lands for payment of his debts and raising of portions for his younger children.
21. An act for naturalizing of *Gerrard Vantellusen*; *Daniel Demetrius*, *Theodore Cocke*, *John Cravenburgh*, and others.
22. An act for the levying of certain monies due upon the collection for the protestants of *Piedmont*.
23. An act for the naturalizing of *John Boreel*, esquire, eldest son of *William Boreel* knight and baronet.
24. An act for the naturalizing of *Abraham Watchter* born beyond the seas.
25. An act for restoring of *Thomas* *Crimes*, baronet, to his estate.
26. An act enabling *George Fount* of *Foston* in the county of *Leicester*, esquire, to sell and convey part of his lands for payment of several debts and legacies charged upon his estate by *William Fount*, knight, deceased, and for the raising of portions for his younger children, and making his wife a jointure.
27. An act for naturalizing of *Frances Hyde*, and others.
28. An act to enable *Joseph Micklethwaite* an infant, and his trustees, to sell land for payment of his father's debts.
29. An act for raising portions and making provision for maintenance for the younger children of *Edward Gostwicke*, baronet.
30. An act for confirming the sale of the manor of *Hitcham*, sold to *Charles Doe* by *John Clarke*, knight and baronet, and for settling and disposing other the lands of the said *John Clarke* and dame *Philadelphia* his wife.
31. An act for the settling of some of the manors and lands of the earl of *Cleveland* in trustees, to be sold for the satisfying of the debts of the said earl, and of *Thomas* lord *Wentworth* his son.
32. An act for the disappropriating of the rectory appropriate of *Preston*, and uniting and consolidating of the said rectory, and of the vicaridge of the church of *Preston*, and for the assuring of the advowson and right of patronage of the same unto the master, fellows and scholars of *Emmanuel college* in *Cambridge*, and their successors.

END of the TABLE.

THE STATUTES at Large, &c.

Anno tricesimo nono Regina ELIZABETHÆ.

AT the parliament begun and belden at Westminster the four and twentieth day of October in the nine and thirtieth year of the reign of our most gracious sovereign lady Elizabeth; by the grace of God, of England, France and Ireland, Queen, defender of the faith, &c. and there continued until the dissolution thereof, being the ninth of February next following, one thousand five hundred ninety-seven; to the high pleasure of Almighty God, and the weal publick of this realm, were enacted as followeth.

CAP. I.

The statute of 4 H. 7. c. 19. and all other statutes made against the destruction of towns and houses of husbandry, repealed: and the penalty for decaying of houses of husbandry since 1 Eliz. &c. EXP. Stat. 39 Eliz. c. 2.

CAP. II.

Arable land made pasture since 1 Eliz. shall be again converted to tillage, and what is arable shall not be converted to pasture, &c. EXP. Stat 39 Eliz. c. 1. Bridgm. 89.

CAP. III.

Who shall be overseers of the poor; by whom and when they shall be appointed; their office and duty; their account; their forfeitures, &c. EXP. 43 Eliz. c. 2.

CAP. IV.

An act for punishment of rogues, vagabonds and sturdy beggars.

All former statutes made for the punishment of vagabonds, &c. repealed. Justices of peace shall set down orders for erection of houses of correction, &c. Who shall be accounted rogues, vagabonds and sturdy beggars. The punishment and using of a rogue, referred to by 1 Jac. 1. c. 31. A testimonial for the punishment of a rogue. A testimonial registred. A rogue conveyed to the house of correction, or to the gaol. Rogues that be dangerous, or will not be reformed. A rogue banished the realm, or adjudged to the gallies. A rogue banished, returning without licence. The forfeit of the officer not punishing rogues. The penalty for disturbance of the execution of this statute. No rogue shall be brought from
VOL. VII. Ireland, 43 El. c. 9. 27.

2 Roll. 387.

Ireland, Scotland or the Isle of Man. None resorting to Bath or Buxton shall beg. The authority of justices in corporate towns. The poor in St. Thomas's hospital in Southwark. John Dutton of Dutton in the county of Chester, his liberties. The employing of the forfeitures. Confession or proof of an offence, shall be a conviction of the offender. The justices of peace may hear and determine all causes in question. Commissions to enquire of money given to houses of correction, or for stock for the poor. A sea-faring man suffering shipwreck. Children under the age of seven years. Glass-men. Proclamation of this act. 3 Car. 1. c. 4. Continued until the end of the first session of the next parliament. Altered 1 Jac. c. 7, & 25. and farther continued by 16 Car. 1. c. 4. referred to, 2 An. c. 6. but repealed 12 Anne, stat. 2. c. 23.

CAP. V.

An act for erecting of hospitals, or abiding and working houses for the poor.

35 El. c. 7.

f. 27.

Any person may erect an hospital or house of correction, which may purchase and enjoy goods or lands not exceeding the yearly value of 200 l. &c.

2 Inst. 720.

Any person may erect an hospital or house of correction.

Incorporation of the hospital by the founder.

WHEREAS at the last session of parliament, provision was made as well for maimed soldiers by collection in every parish as for other poor, that it should be lawful for every person, during twenty years next after the said parliament, by feoffment, will in writing, or other assurance, to give and bequeath in fee-simple, as well to the use of the poor as for the provision, sustentation, or maintenance of any house of correction, or abiding-houses, or of any stocks or stores, all or any part of his lands, tenements or hereditaments: (2) her most excellent Majesty understanding and finding that the said good law hath not taken such effect as was intended, by reason that no person can erect or incorporate any hospital, houses of correction, or abiding-places, but her Majesty, or by her Highness special licence, by letters patents under the great seal of England in that behalf to be obtained: (3) her Majesty graciously affecting the good success of so good and charitable works, and that without often suit unto her Majesty, and with as great ease and little charge as may be, is of her princely care and blessed disposition to and for the relief and comfort of maimed soldiers, mariners, and other poor and impotent people, pleased and contented that it be enacted by authority of this present parliament; (4) and be it enacted by the authority of this present parliament, That all and every person and persons seized of an estate in fee-simple, their heirs, executors or assigns, at his or their wills and pleasures, shall have full power, strength, licence and lawful authority, at any time during the space of twenty years next ensuing, by deed inrolled in the high court of chancery, to erect, found and establish one or more hospitals, *Maisons de Dieu*, abiding-places or houses of correction, at his or their will and pleasure, as well for the finding, sustentation and relief of the maimed, poor, needy or impotent people, as to set the poor to work, to have continuance for ever, and from time to time to place therein such head and members, and such number of poor, as to him, his heirs and assigns shall seem convenient: (5) and that the same hospitals or houses so founded, shall be incorporated, and have perpetual successions for ever, in fact, deed and name, and of such

such head; members, and numbers of poor, needy, maimed or impotent people as shall be appointed, assigned, limited or named by the founder or founders, his or their heirs, executors or assigns, by any such deed inrolled: (6) and that such hospital, *Maison de Dieu*, abiding-place or house of correction, and the persons therein placed, shall be incorporated, named and called by such name as the said founder or founders, his heirs, executors or assigns, shall so limit, assign and appoint: (7) and the same hospital, *Maison de Dieu*, abiding-place or house of correction so incorporated and named, shall be a body corporate and politick, and shall by that name of incorporation have full power, authority and lawful capacity and ability to purchase, take, hold, receive, enjoy and have; to them and to their successors for ever, as well goods and chattels, as manors, lands, tenements and hereditaments, being freehold, of any person or persons whatsoever: so that the same exceed not the yearly value of two hundred pounds above all charges and reprises, to any one such abiding-house, hospital, *Maison de Dieu*, or house of correction, and so as the same or any part thereof, be not holden of our sovereign lady the Queen, her heirs or successors, immediately in chief, or else of our said sovereign lady the Queen, or any other person by knight's service; without licence or writ of *ad quod damnum*; the statute of mortmain, or any other statute or law to the contrary notwithstanding: (8) and that the same hospital, *Maison de Dieu*, abiding-place or house of correction, and the persons so being incorporated, founded and named, shall have full power, and lawful authority by the true name of the incorporation thereof, to sue and to be sued, implead and to be impleaded, to answer and to be answered unto, in all manner of courts and places that now are or hereafter shall be within this realm, as well temporal as spiritual, in all manner of suits whatsoever, and of what nature and kind soever such suits or actions be or shall be: (9) and that the same hospital, *Maison de Dieu*, abiding-house or house of correction, shall have and enjoy for ever such a common seal or seals, as by the said founder or founders, his or their heirs, executors or assigns, shall be in writing under his or their hand and seal assigned, named or appointed, whereby the same corporation shall or may seal any manner of instrument touching the same incorporation, and the lands, tenements, hereditaments, goods or other things thereto belonging, or in any wise touching or concerning the same: (10) and further shall be ordered, directed and visited, placed or upon just cause displaced, by such person or persons, bodies politick or corporate, their heirs, successors or assigns, as shall be so nominated or assigned by the founder or founders thereof, their heirs or assigns, according to such rules, statutes and ordinances, as shall be set forth, made, devised or established by the said founder or founders, their heirs or assigns, in writing under his or their hand and seal, not being repugnant or contrary to the laws and sta-

The hospital or house of correction shall be named by the founder.

The hospital shall be a body politick and corporate. The hospital may purchase goods or lands.

The hospital may sue and be sued.

The hospital shall have a common seal.

The ordering, directing and visiting of an hospital.

The statutes and ordinances of an hospital.

The founder
may place the
head and
members.

tutes of this realm; any law, statute, custom, usage or other thing whatsoever to the contrary in any wise notwithstanding: (11) and that it shall be lawful unto the founder or founders, his and their heirs or assigns, upon the death or removing of any head or member of any such corporation, to place one other in the room of him that dieth, or is removed, successively for ever.

Leases made
by hospitals.

II. Provided always, That all leases, grants, conveyances or estates to be made by any corporation so to be founded as aforesaid, exceeding the number of one and twenty years, and that in possession, and whereupon the accustomed yearly rent or more, by the greater part of twenty years next before the making of such lease, shall not be reserved and yearly payable, shall be void. (2) Saving to all persons, bodies politick and corporate, their heirs and successors, (other than the founders and givers, their heirs and successors) all such right, title, claim, possession, rents, services, commons, demands, interest and profits, which they or any of them shall have, or of right ought to have, of, in or to any the lands, tenements or hereditaments hereafter to be given, limited or assigned in form aforesaid, in as ample manner as if this statute had never been had or made.

A saving of
the right of
others in the
hospital lands.

Certain per-
sons not en-
abled to cre-
ate hospitals.

III. Provided also, That this act or any thing therein contained shall not extend to enable any person or persons, being within age, women covert without their husbands, or of not *sanæ memoriæ*, to make any such corporation, or to endow the same; any thing in this present act to the contrary thereof in any wise notwithstanding.

Ten pounds
per ann. lands
at the least
shall be assured
so an hospital.

IV. Provided always, That no such hospital, *Maison de Dieu*, abiding-place or house of correction shall be erected, founded or incorporated by force of this act, unless upon the foundation or erection thereof, the same be endowed for ever, with lands, tenements or hereditaments of the clear yearly value of ten pounds by the year.

9 Geo. 3. c. 36.

V. Provided also, and be it further enacted, That no such incorporation to be founded by force of this act shall at any time hereafter do or suffer to be done any act or thing, whereby or by means whereof any of the lands, tenements, hereditaments, stock, goods or chattels of such incorporation, or any estate, interest, possession or property of or in the same or any of them, shall be vested or transferred in or to any other whatsoever, contrary to the true meaning of this act: (2) and that such construction shall be made upon this act as shall be most beneficial and available for the maintenance of the poor, and for repressing and avoiding of all acts and devices to be invented or put in ure contrary to the true meaning of this act. *Made perpetual by 21 Jac. 1. c. 1.*

The con-
struction of
this act.

CAP. VI.

Commissions may be awarded to certain persons, to enquire of lands or goods given to hospitals, or other charitable uses, misemployed, and to reform them. R E P. 43 El. c. 9. Saving for the execution of orders and decrees before made by commissioners according to this statute. 4 Inst. 166, 167.

CAP. VII.

The Queen may sell her accountant or debtor's lands in his life-time, and after his death. To what accountants only this statute doth extend. There shall be no sale of land where the debtor hath a *quietus est*. If the Queen be satisfied, the sureties shall be discharged. What process shall be awarded where the debt doth grow in the court of wards or duchy. Process shall be awarded against the terre-tenant before the sale of his land. EXP. 13 El. c. 4. 27 El. c. 3. 43 El. c. 9.

CAP. VIII.

An act concerning the confirmation and establishment of the deprivation of divers bishops and deans, in the beginning of her Majesty's reign.

WHEREAS divers and sundry persons exercising the office and function of bishops and deans of divers sees and bishopricks, and deanries within this realm in the reign of our late sovereign lady Queen Mary, were before the tenth day of November in the fourth year of the most happy and blessed government of the Queen's most excellent Majesty that now is, lawfully and justly deprived from such bishopricks and deanries as they severally enjoyed, and took upon them to hold, and in their steads and places sundry excellent and worthy men duly preferred to the same: (2) and whereas the parties so deprived did notwithstanding, as is pretended, make secret appeals, and used other secret means, pretending thereby to support the continuance of their said offices and functions, Be it &c.

Every deprivation of any bishop or dean made in the beginning of the Queen's reign shall be good; and archbishops, bishops and deans made by the Queen shall be adjudged lawful, 8 Eliz. c. 1.

CAP. IX.

An act for taking away of clergy from offenders against a certain statute made in the third year of the reign of King Henry the Seventh, concerning the taking away of women against their wills unlawfully.

WHEREAS of late times divers women, as well maidens as widows and wives, having substance, some in goods movable, and some in lands and tenements, and some being heirs apparent to their ancestors, for the lucre of such substance been oftentimes taken by misdoers contrary to their will, and afterward married to such misdoers, or to others by their assent, or defiled, to the great displeasure of God, and contrary to your Highness laws, and disparagement of the said women, and great heaviness and discomfort of their friends, and ill example of others; (2) which offences, albeit the same be made felony by a certain act of parliament made in the third year of King Henry the Seventh, yet forasmuch as clergy hath been heretofore allowed to such offenders, divers persons have attempted and committed the said offences, in hope of life by the benefit of clergy; be it therefore enacted by the Queen's most excellent majesty, the lords spiritual and temporal, and the commons, in this present parliament assembled, and by the authority of the same, That all and every

He that taketh away a woman against her will that hath lands or goods, or is heir apparent to her ancestor, shall lose his clergy, 3 H. 7. c. 2.

H. 7. c. 2.

such person and persons, as at any time after the end of this present session of parliament shall be convicted or attainted of or for any offence to be committed after the end of this present session of parliament, made felony by the said act of the third year of the reign of King Henry the Seventh, or which shall be indicted and arraigned of or for any such offence, and stand mute, or make no direct answer, or shall challenge peremptorily above the number of twenty, shall in every such case lose his and their benefit of clergy, and shall suffer pains of death without any benefit of clergy; any former law to the contrary notwithstanding.

Principals,
procurers or
accessaries be-
fore the of-
fence.

II. Provided always, That this act, nor any thing therein contained, shall not extend to take away the benefit of clergy, but only from such person and persons as hereafter shall be principals, or procurers or accessaries before such offence committed.

CAP. X.

An act for the increase of mariners, and for maintenance of the navigation, repealing a former act made in the twenty-third year of her Majesty's reign, bearing the same title.

The statute of
23 Eliz. c. 7.
restraining
Englishmen to
go or send in-
to any foreign
country to
buy or bring
into this realm
salted herring,
or salted fish,
repealed, &c.
A rehearsal of
the said sta-
tute.

WHERE at the parliament holden by prorogation the sixteenth day of January in the twenty-third year of the reign of our most gracious sovereign lady Queen Elizabeth, an act was made, (intituled, An act for the increase of mariners, and for maintenance of the navigation) whereby amongst other things it was enacted, That it should not be lawful to any native English man, woman or denizen, at any time, after a time limited in the same act, directly or indirectly, by themselves, their servants, factors, agents, deputies, or friends, or any of them whatsoever, to go or send into any other foreign country, realm or dominion whatsoever, for the buying, providing, or bringing into this realm, out or from any the said foreign realms or dominions out of the Queen's obedience, of any salted fish or salted herrings, nor should make any agreement with any alien or stranger, or any other, for such bringing into this realm by any alien or stranger, of any salted fish or salted herrings; (2) and that no salted fish nor salted herrings should be brought thither out of the said foreign realms and dominions, but by the meer owners thereof or deputies of them, being aliens and strangers, without the procurement of any subject of the Queen's majesty, her heirs or successors, or of any denizen, and by none other person or persons; (3) upon pain that such English person or denizen offending against that act should forfeit the same salted herrings and salted fish or the value thereof, with divers other clauses and branches in the same statute contained, touching the bringing of fish into this realm, and the buying and selling of fish, as by the same act at large appeareth: (4) upon the making of which act it was hoped and expected, that the fishermen of this realm would in such sort have employed themselves to fishing, and to the building and preparing of such store of boats and shipping for that purpose, as that they should long ere this time have been able sufficiently to have victualled this realm with salted fish and herrings of their own taking, without any supply

What was ex-
pected by the
aforesaid sta-
tute.

supply of aliens and strangers, to the great increase of mariners and maintenance of the navigation within this realm : (5) notwithstanding, it is since found by experience, that the navigation of this land is no whit bettered by the means of that act, nor any mariners increased nor like to be increased by it ; but contrariwise, the natural subjects of this realm, not being able to furnish the tenth part of the same with salted fish of their own taking, the chief provision and victualling thereof with fish and herrings, hath ever since the making of the same statute been in the power and disposition of aliens and strangers, who thereby have much enriched themselves, greatly increased their navigation, and (taking advantage of the time) have extremely enhanced the prices of that victual, to the great hurt and impoverishing of the native subjects of this realm, and yet do serve the markets here in very evil sort, by little and little, bousing and keeping their fish as well on this side, as beyond the seas, till the prices be raised to their liking ; (6) and the merchants of this realm having been wholly barred in their trades of providing of fish for the service thereof, the navigation of this realm, which was intended to be augmented, hath been rather impaired than increased thereby, and the prices of fish greatly enhanced, to the great and general prejudice of the subjects : for remedy whereof, and for that it is lawful as well to strangers and aliens, as to the subjects of this realm, to carry out into foreign parts and dominions such salted fish and herrings as are taken and provided by the subjects of this realm, and therefore very unequal that the native subjects of this land should not be at liberty to bring in also foreign provision of fish for the victualling of their own country as well as to carry out, but that the stranger should be wholly trusted therewith :

The inconveniences ensuing the making of the said statute.

They who may carry fish forth of this realm, may also bring in fish.

II. Be it therefore enacted by the Queen's most excellent majesty, the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That the same statute made in the said three and twentieth year of her Majesty's most gracious reign, and every clause, branch, article and proviso thereof, and all the penalties and forfeitures therein contained, shall from henceforth be clearly repealed, void, frustrate and of none effect, to all intents, constructions and purposes, as if the same had never been had ne made ; any thing in the same act contained to the contrary thereof in any wise notwithstanding.

23 Eliz. c. 74

III. And be it further enacted by the Queen's most excellent majesty, the lords spiritual and temporal, and the commons, in this present parliament assembled, That it shall and may be lawful for all and every her Majesty's subjects, being owners of any ships, barks or vessels sailing with cross sails, to receive and take into their said ships, barks or vessels, any herrings or other fish, which any alien or stranger shall buy and provide of any of her Majesty's subjects within this realm, and the same herrings and fish or any of them, may transport into any parts beyond the seas, being in league or amity with her Majesty, in their said ships or vessels with cross sails ; so as the said aliens or strangers pay to her Majesty her customs and duties for the

The Queen's subjects may transport fish in ships with cross sails.

same, in such sort as by the same former act was limited and appointed.

What customs
aliens shall pay
to the Queen
for fish
brought into
this realm.

IV. And be it enacted by the authority aforesaid, That all aliens and strangers shall from henceforth, and from time to time, pay to her Majesty for all salted fish and salted herrings to be brought into this realm, all such like customs and impositions as are or shall be imposed and set upon any her Majesty's subjects in those foreign regions and countries, ports and towns, from whence the said salted fish and salted herrings shall be shipped and brought, for the like fishes and herrings, over and besides the ordinary customs which have been paid to her Majesty for the same, in manner and form, as by the same act was enacted and appointed.

The penalty
for bringing
into this realm
and offering
to sell unwhol-
some fish.

V. And be it further enacted by the authority aforesaid, That if any alien or stranger-born, or any denizen or natural-born subject of this realm, shall bring into any haven, port, creek or town of this realm, any salt fish or salt herrings, which shall not be good, sweet, seasonable and meet for mens meat, and shall offer the same to be sold, and shall be warned by any officer of such port, haven or town, where the same shall be offered to be sold, that the same be not seasonable nor meet for mens meat; that then if he or they shall after that, offer any of the said unseasonable fish to be sold to any person within this realm, or being an alien-born, and no denizen, shall not depart with the same from the said haven, port or town, so soon as conveniency will serve; that then all and every person, owners thereof, shall lose and forfeit to our said sovereign Lady all the said unseasonable fish unmeet for mens meat as before is said.

Ordinances to
restrain the
taking, selling
or buying of
fish, shall be
void.

Repealed by
43 Eliz. c. 9.

VI. And be it likewise enacted, That all ordinances of the fishmongers of London, or of any other company or corporation whatsoever, made or to be made for restraint of any person to take or sell fish, or to buy or provide any fish of any merchant or other within this realm, shall be repealed and void: (2) and that every person or body corporate that shall make or execute any such ordinance or restraint, shall for every such offence forfeit one hundred pounds; the one moiety thereof to the Queen's majesty, her heirs and successors; and the other moiety to the party grieved that will sue for the same by action of debt, in any court of record, wherein no essoin, protection or wager of law for the defendant shall be admitted or allowed.

VII. Provided always, That this act shall no longer endure than to the end of the next parliament hereafter ensuing. 3 Car. 1. c. 4. continued until the end of the first session of the next parliament, and farther continued by 16 Car. 1. c. 4.

CAP. XI.

An act for the better execution of the statute made in the twenty-third year of the Queen's reign, for the abolishing of logwood, alias blockwood, in the dying of cloth, wool or yarn. The penalty for mixing or using logwood in dying of cloth or other stuff. Deceits practised to abuse the meaning of the statute of 23 Eliz. c. 9. touching dying with logwood. A justice of peace may examine the servants or workmen of a supposed offender. The penalty.—Repealed by 13 & 14 Car. 2. c. 11. f. 26.

CAP.

CAP. XII.

What workmen or labourers wages justices of peace may affect, &c. EXP.
Continued to the end of the first sessions of the next parliament, by 1 Jac. 1.
c. 25. and 21 Jac. 1. c. 18.

CAP. XIII.

An explanation of an act made in the eleventh year of King Henry the Seventh for fustians.

WHEREAS by an act made in the eleventh year of King Henry the Seventh, the mayor and wardens of shear-men of the city of London for the time being, should have authority to enter and search the workmanship of all manner of persons occupying the broad shear, as well fustians as cloth, and the execution of the said act for using any instruments of iron, or other untrue subtil mean or slight in dressing the same: (2) since which time, for that the lord mayor of London cannot conveniently go in his own person to make the said search, by reason of his other weighty occasions, divers have resisted the wardens of the shear-men going abroad in offering to make search according to the said law; and for want of due and daily search in that behalf, divers have of late days put in ure the iron instruments, and other sleights forbidden by the recited act, to the great deceit of her Majesty's people, amongst whom the wearing of fustians is lately grown to more use, as may seem, than ever it was before time: (3) which company of shear-men, together with the company of fullers, were shearmen and company of fullers in London made one since the said act made one company by the name of cloth-workers: and so no such search can be duly made: (4) for remedy hereof,

II. Be it therefore enacted by the Queen's most excellent majesty, with the assent of the lords spiritual and temporal, and the commons, in this present parliament assembled, and by the authority of the same, That from henceforth it shall and may be lawful to and for the said lord mayor of the city of London, or his sufficient deputy, and to and for the master and wardens of the said mystery of cloth-workers of London, or such discreet persons as the said master and wardens of the said mystery of cloth-workers for the time being shall from time to time appoint, to enter and make search, as the said mayor of London and wardens of shear-men might have done together, by the said act in the said eleventh year of King Henry the Seventh; (2) upon pain that the person or persons which shall make resistance herein, shall forfeit for every such resistance, twenty shillings of lawful money of England; the one half to her Majesty, and the other half to him or them that will sue for the same by action of debt, bill, plaint or information, in any of the Queen's courts of record where the same may be determined after the course of the common law; and that the defendant in such case in no wise be admitted to wage his law, nor that any protection or essoin be in the same allowable.

The lord mayor of London, &c. may search all persons occupying the broad shear.

11 H. 7. c. 27.

Shearmen and fullers in London made one company.

The mayor and cloth-workers of London, or their deputies, may search the work of all persons there, &c.

The forfeiture of them who make resistance to be searched.

CAP.

CAP. XIV.

An act prohibiting the bringing into this realm of any foreign cards for wool.

No cards for wool shall be brought into this realm to be sold.

WHEREAS many thousands of woollen card-makers and card-wiredrawers of the cities of London, Bristol, Gloucester, Norwich, Coventry, and of many other her Highness cities and towns within this realm, have heretofore lived and well maintained themselves, their wives, families and children, by the benefit and use of their trade and faculty of card-making and drawing of cardwire within this realm: (2) and now of late time, by reason of the common bringing in of foreign cards for wool out of France, and other foreign parts, the said card-makers and card-wiredrawers have been so much impoverished, that scant the twentieth person that heretofore lived by the said trades is now maintained and set on work thereby:

It. Be it enacted by our sovereign lady the Queen's majesty, and by the lords spiritual and temporal, and the commons, in this present parliament assembled, and by authority of the same, That no person or persons whatsoever, from or after the feast-day of the purification of the blessed Virgin St. Mary now next ensuing, shall bring, send or convey, or cause to be brought, sent or conveyed, into this realm of England or Wales, from the parts beyond the seas, any cards for wool to be sold, bartered or exchanged, within the realm of England or Wales; (2) upon pain to forfeit all such cards for wool, so to be brought, sent or conveyed contrary to the true meaning of this act, in whose hands soever they or any of them shall be found, or the very value thereof; the one half whereof to be to our said sovereign lady the Queen's majesty, her heirs and successors, and the other moiety thereof to him or them that will seize the same, or sue therefore in any court of record of the Queen's majesty, her heirs and successors, by action of debt, bill, plaint, information or otherwise, in which actions, suits, plaints or informations, no wager of law, essoin or protection shall be allowed. (3) This act to endure to the end of the first session of the next parliament. 3 Car. 1. c. 4. Continued until the end of the first session of the next parliament, and farther continued by 16 Car. 1. c. 4. and enforced by 13 & 14 Car. 2. c. 19.

CAP. XV.

An act, that no person robbing any house in the day-time, although no person be therein, shall be admitted to have the benefit of his clergy.

3 Inst. 65.

WHEREAS of late years divers lewd and felonious persons, understanding that the penalty of the robbing of houses in the day-time (no person being in the house at the time of the robbery) is not so penal, as to commit or do a robbery in any house, any person being therein at the time of the robbery; which hath and doth embolden divers lewd persons to watch their opportunity and time to commit and do many heinous robberies, in breaking and entering divers honest persons

sons houses, and especially of the poorer sort of people, who by reason of their poverty are not able to keep any servant, or otherwise to leave any body to look to their house, when they go abroad to hear divine service, or from home to follow their labour to get their living, which is to the hindrance and loss of good subjects, and the utter impoverishing of many poor widows, sole women, and other people :

II. Be it therefore enacted by our sovereign lady the Queen's most excellent majesty, the lords spiritual and temporal, and the commons, of this present parliament assembled, That if any person or persons after the end of this present session of parliament shall be found guilty, and convicted by verdict, confession or otherwise, according to the laws of this realm, for the felonious taking away, after the feast of *Easter* now next ensuing, in the day-time, of any money, goods or chattel, being of the value of five shillings or upwards, in any dwelling-house or houses, or any part thereof, or any out-house or out-houses belonging and used to and with any dwelling-house or houses, although no person shall be in the said house or out-houses at the time of such felony committed ; then such person and persons shall not be admitted to the benefit of his or their clergy, but shall be utterly excluded thereof.

He shall not have his clergy that rob-
beth a house in the day-
time of the value of five
shillings.

Kelyng 31.
4 Co. 40.
Cro. Car. 475.
10 & 11 W. 3.
c. 23.

CAP. XVI.

An act to restrain the excessive making of malt.

Repealed by
9 & 10 W. 3.
c. 22.

CAP. XVII.

An act against lewd and wandring persons, pretending themselves to be soldiers or mariners.

WHEREAS divers lewd and licentious persons, contemning both laws, magistrates and religion, have of late days wandered up and down in all parts of the realm, under the name of soldiers, and mariners, abusing the title of that honourable profession to countenance their wicked behaviours, and do continually assemble themselves weaponed in the highways and elsewhere, in troops, to the great terror and astonishment of her Majesty's true subjects, the impeachment of her laws, and the disturbance of the peace and tranquillity of this realm : (1) and whereas many heinous outrages, robberies and horrible murders are daily committed by these dissolute persons ; and unless some speedy remedy be had, many damages are like by these means to ensue and grow towards the common-wealth :

Wandering
mariners and
soldiers, and
other idle per-
sons, shall
settle them-
selves to work ;
they shall
have testimo-
nials, &c.
13 & 14 Car. 2.
c. 12.
3 Inst. 85.

II. Be it therefore enacted by the authority of this present parliament, That all idle and wandring soldiers or mariners, or idle persons, which now are, or hereafter shall be wandring as soldiers and mariners, shall settle themselves in some service, labour or other lawful course of life, without wandring, or otherwise repair to the places where they were born, or to their dwelling-places, if they have any, and there remain, betaking themselves to some lawful trade or course of life, as aforesaid ; (2) upon pain that all persons offending contrary to this act to be reputed as felons, and to suffer as in case of felony, without any benefit of clergy to be allowed.

III. And

Wandering sol-
diers and ma-
riners shall
have testimo-
nial.

III. And be it further enacted, That every idle and wandering soldier or mariner which coming from his captain from the seas, or from beyond the seas, shall not have a testimonial under the hand of some one justice of the peace of or near the place where he landed, setting down therein the place and time when and where he landed, and the place of his dwelling or birth, unto which he is to pass, as aforesaid, and a convenient time therein limited for his passage, or having such testimonial shall wilfully exceed the time therein limited, above fourteen days: (2) And also as well every such idle and wandering soldier or mariner, as every other idle person wandering as soldier or mariner, which shall at any time hereafter forge or counterfeit any such testimonial, or have with him or them any such testimonial forged or counterfeited as aforesaid, knowing the same to be counterfeited or forged, in all these cases every such act or acts to be felony, and the offenders to suffer as aforesaid, without any benefit of clergy.

It shall be fe-
lony to coun-
terfeit a testi-
monial.

Justices of as-
sise and gaol-
delivery and
peace may
hear and de-
termine these
offences.

IV. And be it further enacted, That it shall be lawful for the justices of assizes, justices of gaol-delivery, and the justices of peace of every county, and for all justices of peace in towns corporate, having authority to hear and determine felonies, to hear and determine all such offences in their general sessions, (2) and to execute the offenders which shall be convicted before them, as in cases of felony is accustomed; except some honest person valued at the last subsidy next before the time to ten pounds in goods, or forty shillings in lands, or else some honest freeholder, as by the said justices shall be allowed, will be contented before such justices as such person shall be arraigned of felony, to take him or them into his service for one whole year then next following, and then before the said justices will be bound by recognizance of ten pounds, to be levied of his lands, goods, tenements and chattels, to the use of our sovereign lady the Queen, if he keep not the said person or persons for one whole year, and bring him to the next sessions for the peace and gaol-delivery next ensuing after the said year: (3) And if any such person retained depart within the year, without the licence of him that so retained him, then to be indicted, tried and adjudged as a felon, and not to have the benefit of his clergy.

Taking the of-
fender into
service for a
year.

The idle wan-
derer failing
sick by the
way.

V. Provided always, That if any such idle and wandering persons as aforesaid, shall happen to fall sick by the way, so that by reason of his weakness he cannot travel to his journey's end within the time limited within his testimonial, no such to be within the danger of this statute, so as he settle himself in some lawful course of life, as aforesaid, or repair as aforesaid to the place where he was born, or was last abiding, within convenient time after the recovery of his sickness, and there remain, as aforesaid; any thing in this statute contained to the contrary notwithstanding.

A remedy
where the

VI. Provided also, and be it further enacted, That when any such soldier or mariner coming from the seas, or from beyond the

the seas, as aforesaid, shall repair to the place of his dwelling or birth, according to the purport of the said testimonial, and cannot of himself get there any work whereby to employ himself to labour or other lawful course of life, as aforesaid, that then in all such cases, upon complaint made by such soldier or mariner to two justices of peace of the said county, of or near the said place, the said two justices shall take order by their discretion to set such soldier or mariner to some such honest labour or work as to them shall be thought meet: (2) And for want of such work, the said two justices shall tax the whole hundred by their discretion for the relief of such soldier or mariner till such sufficient work may be had.

wanderer can-
not get work.

The hundred
taxed for the
relief of a sol-
dier or mari-
ner.

VII. Provided also, That if any such soldier or mariner coming from the seas, or from beyond the seas as aforesaid, shall not at the time of his landing, or in his travel to the place whereunto he is to repair as aforesaid, going the direct way, that then he resort to some justice of the peace next adjoining to the said place of landing or way, and make known unto the said justice his poverty: (2) Who upon perfect notice thereof had, shall have full power and authority by this present act to licence the same soldier or mariner to pass the next and direct way to the place where he is to repair, and to limit him so much time only as shall be necessary for his travel thither: (4) And that in such case his licence being so made, and he pursuing the form of such his licence, shall and may for his necessary relief in such his travel, ask and take the relief that any person shall willingly give him, and in such case, his such travel and taking of alms as aforesaid, shall not be taken an offence against this law.

The soldier or
mariner li-
cenced may
ask and take
relief.

VIII. Provided also, That this act, nor any thing therein contained, shall extend or be interpreted to make or work any corruption of blood in any the heir or heirs of any such offender or offenders; any thing in this act to the contrary notwithstanding.

No corruption
of blood.

IX. Provided also, and be it further enacted, That this act shall not take any force or effect till forty days next after the end of this session of parliament, and shall continue to the end of the parliament next ensuing. 3 Car. 1. c. 4. Continued until the end of the first session of the next parliament, and farther continued by 16 Car. 1. c. 4.

CAP. XVIII.

An act for the reviving, continuance, explanation, perfecting, and repealing of divers statutes.

WHERE in the first session of parliament begun in the city of Ships. London the third day of November in the one and twentieth year of the reign of our late sovereign lord of famous memory, King Henry the Eighth, and from thence adjourned and prorogued to the palace of Westminster, an act or statute was made, intituled, An act for the true making of cables, halfers and ropes.

II. And where in the parliament holden upon prorogation at Westminster

Cattle.
24 H. 8. c. 9.

minster the fourth day of February in the four and twentieth year of the reign of the said King, there was one other act made, intituled, An act against killing of young beasts called weanlings.

Cattle.
3 & 4 Ed. 6.
c. 19.

III. And where in the session of a parliament ended at Westminster the first day of February in the fourth year of the reign of our late sovereign lord King Edward the Sixth, one act was made concerning the buying and selling of rother beasts and cattle:

Viſtual.
3 & 4 Ed. 6.
c. 21.

IV. And also one other act was then and there likewise made, intituled; An act for the buying and selling of butter and cheese.

Fish.
1 Eliz. c. 17.

V. And where also in the parliament begun at Westminster the twenty-third day of January in the first year of the reign of the Queen's majesty that now is, and there continued by prorogation until the dissolution thereof, an act was then and there made, intituled, An act for the preservation of spawn and fry of fish.

Husbandry.
5 Eliz. c. 2.

VI. And where also in the first session of parliament holden at Westminster the twelfth day of January in the fifth year of her Highness reign, one act was then and there made, intituled, An act for the maintenance and increase of tillage:

Merchants.
5 Eliz. c. 7.

VII. And one other act was also then and there made, intituled, An act for the avoiding of divers foreign wares made by handicraftsmen beyond the seas:

Fish.
5 Eliz. c. 5.

VIII. And one other act was likewise then and there made, intituled, An act touching certain politick constitutions made for the maintenance of the navy.

Games.
8 Eliz. c. 10.

IX. And where also in the last session of the parliament holden by prorogation at Westminster the last day of September in the eighth year of her Majesty's reign, one act was then and there made, intituled, An act for bowyers and the prices of bows.

Leases.
23 Eliz. c. 20.

X. And where also in the parliament begun and holden at Westminster the second day of April in the thirteenth year of her Majesty's reign, there was one act and statute made for the avoiding of some leases in certain cases to be made of ecclesiastical promotions with cure, intituled, An act touching leases of benefices, and other ecclesiastical livings with cure:

Purveyors.
13 Eliz. c. 21.

XI. And where also there was then and there one other act made, intituled, An act that purveyors may take grain, corn or victuals within five miles of Cambridge and Oxford in certain cases:

Usury.
13 Eliz. c. 8.
Drapery.
13 Eliz. c. 19.

XII. And also one other act was then and there made, intituled, An act against usury: And also one other act was then and there made, intituled, An act for the continuance of making of caps.

Continuance.
14 Eliz. c. 11.

XIII. And where in the first session of parliament holden at Westminster the eighth day of May in the fourteenth year of her Highness reign, there was one other act made, intituled, An act for the continuance, explanation, perfecting and enlarging of divers statutes; in which statutes are contained divers branches, clauses and provisions touching and concerning the explanation, perfecting and enlarging of divers of the statutes before-mentioned.

Poor.
14 Eliz. c. 5.

XIV. And where also there was then and there one other act made, intituled, An act for the punishment of vagabonds, and for the relief of the poor and impotent.

XV. And where in the parliament holden at Westminster aforesaid

said in the eighteenth year of her Majesty's reign, there was one other Poor. act made, intituled, An act for the setting of the poor on work, 18 Eliz. c. 3. and for the avoiding of idleness:

XVI. *And also one other act was then and there made, intituled, Ways. An act for the repairing and amending of the bridges and high- 18 El. c. 20. ways near unto the city of Oxensford.*

XVII. *And where in the parliament holden by prorogation at Westminister the sixteenth day of January in the twenty-third year Merchants. of her Majesty's reign, one act was made, intituled, An act for the 23 El. c. 6. repairing of Dover haven.*

XVIII. *And where in the parliament holden at Westminister the three and twentieth day of November in the seven and twentieth Continuance. year of her Majesty's reign, one other act was made for the reviving, 27 Eliz. c. 18. continuance, explanation and perfecting of divers statutes, in which are contained divers branches, provisions and clauses touching and concerning certain additions and alterations unto and of divers of the said former recited statutes, and other new provisions.*

XIX. *And there was then and there one other act made, intituled, Collusion. An act against covinuous and fraudulent conveyances. 27 Eliz. c. 4.*

XX. *And then and there one other act was made, intituled, An Enquests. act for the levying of issues lost by jurors. 27 Eliz. c. 7.*

XXI. *And also there was then and there one other act made, in- Franchise. tituled, An act for the good government of the city or borough 27 Eliz. not of Westminister. printed.*

XXII. *And whereas in the parliament holden at Westminister, Corn. upon prorogation the fourth day of November in the second year of 2 & 3 Ed. 6. the reign of the late King of famous memory King Edward the Sixth, c. 10. one act was made, intituled, An act for the true making of malt, which said statute was discontinued.*

XXIII. *And by another act made in the said parliament holden at Corn. Westminister in the said twenty-seventh year of the Queen's majesty's 27 Eliz. c. 14. reign that now is, intituled, An act for the reviving of a former statute for the true making of malt, was revived and continued: And also one other act was there made in the said twenty-seventh year, intituled, An for the keeping of the sea-banks and sea-works in Sewers. the county of Norfolk. 27 Eliz. c. 24.*

XXIV. *And where in the parliament holden at Westminister the Measures. fourth day of February in the thirty-first year of the Queen's ma- 31 Eliz. c. 8. jesty's reign that now is, there was an act made, intituled, An act for the true gauging of vessels brought from beyond the seas, converted by brewers for the utterance and sale of ale and beer.*

XXV. *And also one other act was then and there made, intituled, Franchises. An act for reviving and enlarging of a statute made in the twenty- Lincoln. third year of her Majesty's reign, for the relief of the city of Not printed. Lincoln.*

XXVI. *And where in the parliament holden at Westminister the Pope. nineteenth day of February in the thirty-fifth year of her Majesty's 35 Eliz. c. 1. reign that now is, there was an act made, intituled, An act to retain the Queen's majesty's subjects in their due obedience.*

XXVII. *And also one other act was then and there made, intituled, Poor. An act for the necessary relief of soldiers and mariners. 35 Eliz. c. 4.*

XXVIII. *And*

The aforesaid statutes continued until the end of the next parliament; except, &c. *Ut supra.*

fifth year of the Queen's majesty's reign that now is, intituled, *An act for the necessary relief of soldiers and mariners*, for so much thereof as shall not be altered, or otherwise provided for by any other act made in this present session of parliament, shall be in force and continue unto the end of the next parliament; any thing in this present act to the contrary notwithstanding.

C A P. XIX.

An act for the amendment of highways in Suffex, Surrey and Kent.

A repeal of so much of the statute of 27 Eliz. c. 19. as concerneth the repairing of highways in Surrey and Kent.

WHEREAS in one act of parliament made in the seven and twentieth year of the reign of our sovereign lady the Queen's majesty that now is, in one act then made, intituled, *An act for preservation of timber in the wilds of the counties of Suffex, Surrey and Kent*, and for the amendment of highways decayed by carriage to and from iron-mills there, some remedy is provided for the impairing and spoiling of highways by the carriages of coals, mine and iron, to and from the iron-works within some part of the said counties of Surrey and Kent, and provisions for the amending of highways decayed in the county of Suffex, by the said means is left out: And also the said act hath not taken the same good effect for the amendment of highways within the said counties of Surrey and Kent, as hath been expected:

II. Be it therefore enacted by our sovereign lady the Queen's majesty, the lords spiritual and temporal, and the commons, in this present parliament assembled, and by the authority of the same, That so much of the said act of parliament made in the said seven and twentieth year of the Queen's majesty's reign, as shall concern the amendment of highways in the said counties of *Surrey and Kent* shall from henceforth be repealed.

What shall be paid for the repair of highways in the wilds of Suffex, Surrey and Kent.

III. And be it further enacted by the authority aforesaid, That the occupiers of all manner of iron-works whatsoever, as owners or farmers of the same, by any estate of inheritance, for life, lives, or for term of year or years, or at will, which shall at any time hereafter carry or cause to be carried any coals, mine or iron, to for any their iron-works, between the twelfth day of *October* and the first day of *May* in any year, shall for every three loads of coal or mine, as also for every tun of iron, which shall be carried by any manner of wain or cart, between the said twelfth day of *October* and the first day of *May*, by the space of one mile through any highways within the said wilds of *Suffex, Surrey, Kent* or any of them, shall pay or cause to be paid unto the justice of peace dwelling near unto the places in the said county where the highways shall be most annoyed, or his assignee, the sum of three shillings; (2) the same to be levied after default of payment thereof, by such justice of peace or assignee, by way of distress of any of the goods and chattels remaining in the said county of such person as so should have paid such sum.

Carriage of coals, &c. for any iron-work

IV. And be it further enacted by the authority aforesaid, That every person and persons, occupier of iron-work as aforesaid,

said, which shall at any time hereafter carry or cause to be carried any coals, mine or iron, to or for any their iron-works, between the first day of *May* and the twelfth day of *October* in any year, for every thirty loads of coals and mine or either of them, and for every ten tuns of iron, to be carried as aforesaid, one load of cinder, gravel, stone or chalk, meet for the repairing and amending of the said highways as aforesaid, to be laid and employed in such place and places of the highways as by any justice of the peace of any the counties aforesaid, dwelling near unto the places where the highways within the limits aforesaid shall be most annoyed by any of the means aforesaid, according to the greater and more present necessity, shall be appointed and assigned, or else pay or cause to be paid, for and in allowance of every cart-load, in manner and form aforesaid to have been so carried and laid, three shillings, within eight days after the demand thereof at any such iron-work made, to or from which iron-work any such carriage shall be, to the hand of the said justice of peace, or his assigns; the same to be levied after default of payment upon the demand thereof, from time to time by way of distress: (2) And if such justice of peace, by reason of absence or other occasion, do not, or shall not within forty days next after the said first day of *May*, yearly assign and appoint, where and in what place of the highways the said cinder, gravel, stone or chalk, to be carried as aforesaid, or where or how the money thereof due, or so paid, shall be employed and bestowed; that then the same cinder, gravel, stone or chalk, shall be laid and employed by such person or persons as by this act are to carry and lay the same, or to cause the same to be carried and laid, in such place and places of the highways, as the surveyors within the parish for the time being, where the highways shall be most annoyed as aforesaid, shall assign or appoint; (3) or in default thereof, pay to the said surveyors for every such load due and uncarried, three shillings in manner and form aforesaid; (4) upon pain of forfeiture of ten shillings for every load of cinder, gravel, stone or chalk, not carried, laid and employed in the highways, or three shillings unpaid as is aforesaid, to be forfeited and paid by the person and persons which by this act ought to carry and lay, or cause to be carried and laid, the cinder, gravel, stone or chalk, or therefore to have paid as is aforesaid, after due conviction and presentment thereof had before the justices of *oyer and terminer*, or justices of peace, in any of their open session or sessions to be holden before them or any of them: (5) All which sum and sums of money to be forfeited by reason of this act, for or in default of carriage and laying of the said cinder, gravel, stone or chalk, or payment thereof as aforesaid, shall be likewise bestowed and employed upon the amendment and repairing of the highways, at and by the discretion of any such justice of peace, as shall dwell and be resident next unto the place and places being most annoyed by the carriages aforesaid; (6) the same to be levied by way of distress, by any constable,

between the first day of *May* and the twelfth of *October*.

In default of the justice of peace the surveyors shall have the disposition of the gravel, &c.

The forfeiture of the offender.

How the money forfeited shall be levied and employed.

The penalty if no distress can be found, nor the offender pay within the time limited.

tithing-man, headborough or other officer thereunto to be assigned, by warrant made in open sessions by any clerk of the peace of the county where any the offence or offences aforesaid shall be committed, or by any two justices of the peace, whereof one to be of the *quorum*, which were present at the sessions wherein the said conviction of or for any the offences aforesaid shall be had: (7) And if no sufficient distress can be found by the said officer appointed to levy the same, or if the said offender do not pay the same within twenty days after a lawful demand of the same by the said officer to be appointed for the levying thereof as aforesaid; that then every person so denying or refusing, and not paying the same forfeiture within twenty days aforesaid, to forfeit the double sum he should before have paid, to be levied by such ways and means, as to any two of the justices of the peace of the same county where the said offence shall be committed, whereof one to be of the *quorum*, shall be thought most meet: (8) The same forfeiture to be likewise employed upon the amendment of the highways, as the other forfeitures should have been, if the same had been levied according to the true intent and meaning of this statute.

In what case the surveyors shall appoint where the gravel, stone, &c. shall be laid.

V. And be it further enacted by the authority aforesaid, That the surveyor or surveyors, from time to time for the time being, within the parish where the highways shall be most annoyed, upon default of the said justices as aforesaid, within twenty days after such default of the justice of peace as aforesaid, shall assign or appoint where and in what place of the highways the said cinder, gravel, stone or chalk, or the forfeiture of money to be bestowed, shall be carried and laid as aforesaid, and upon pain of forfeiture of every such surveyor or surveyors, for every such default, forty shillings. (2) And the said surveyors shall make demand according to the limitation of this present act, of all and every such forfeiture and sums of money limited to be paid in default of such carriages as aforesaid, upon pain to forfeit for every such default, forty shillings. (3) And shall also make presentment of every such default of carriage or payment, contrary to the tenor of this present act, at the next quarter-session to be holden for the said county, where such default of carriage and payment shall be; upon pain to forfeit for every such default of presentment as aforesaid, forty shillings. (4) The one moiety of all such forfeiture and forfeitures to be to the Queen's majesty; the other moiety to such person or persons as will sue for the same, by action, bill, plaint or information, in any of her Majesty's courts of record, where no wager of law, essoin or protection shall be allowed.

Presentment of offenders at the quarter-sessions.

C A P. XX.

An act against the deceitful stretching and tentring of northern cloth.

No person on the north side of Trent shall stretch or

IN most humble and dutiful wise sheweth, beseeching your Highness, your true and faithful subjects, the clothiers and chapmen of your counties of York, Lancaster, and other your Highness counties on the

the north side of the river of Trent, That notwithstanding the many good and wholsom laws heretofore made for the true making of good and true clothes and kersies, which laws, either by some wants in the statutes already made, or for lack of the due execution of the said laws, have not only not restrained the great abuse in making of clothes and kersies, but rather have encreased the same; (2) insomuch that the said northern clothes and kersies do yearly and daily grow worse and worse, and are made more light, and much more stretched and strained than heretofore they have been, to the great deceit of all nations where the said clothes and kersies are sold, and to the great shame and slander of the country where the same is made, and within short time like utterly to overthrow the trade of cloth-making in those countries, whereupon so many thousands of your subjects do now live and are maintained: (3) Which great enormities your faithful subjects do chiefly impute to the great number of tenters and other engines daily used and practised in the said counties for the stretching and straining of the said clothes and kersies: (4) For remedy and redress whereof, your said subjects humbly beseech your most excellent Majesty, that it may please your Highness, with the assent of the lords spiritual and temporal, and the commons, in this present parliament assembled, and by the authority of the same, it may be enacted, any statute or law whatsoever to the contrary notwithstanding, That no person or persons within any the counties aforesaid, from and after the twentieth day of September now next coming, shall stretch or strain, or cause to be stretched or strained, any clothes, dozens, kersies, penistones, ruggs, frizes, kighley whites, plain greys, or any other clothes, by what name or names soever they be called, made or hereafter to be made within the said counties of York, Lancaster, or any other the counties on the north of Trent; upon pain to forfeit for every default five pounds.

II. And further, That no person or persons, from and after the said twentieth day of September, within the counties aforesaid, or any of them, shall have, use or occupy any tenter, of what sort or kind soever, or any manner of wrinch, rope or other engines, to stretch or strain any clothes, kersies, dozens, penistones, ruggs, frizes, cottons, kighley whites, plain greys, or any other cloth, of what kind or name soever it or they be called, made, wrought or to be made or wrought, within the said counties; (2) upon pain that every offender that shall have or use, or exercise any such tenter, of what sort or kind soever, or any manner of rope, wrinch, ring-head or engine, shall forfeit for every such default twenty pounds.

III. And further, That every person or persons within the counties aforesaid, or any of them, which shall make or cause to be made any clothes, kersies, dozens, cottons, penistones, plain greys, kighley whites, frizes, or any other cloth, by what name or names soever it or they be called, shall make the same of such weights, lengths and breadths, as by the statutes of this realm already in force is provided, under the pains in the same statutes contained: (2) And before the same be sold or of-

strain any cloth made, nor use any tenter, &c. This act extended as to views, &c. to all woolen broad clothes. &c.

43 Eliz.c. 10. l. 7.

The enormities ensuing the stretching of northern clothes, and the causes thereof.

Cog-ware, &c. made in Cumberland, &c. are excepted

by 7 Jac. 1. c. 16. 5 & 6 Ed. 6. c. 6.

Northern clothes shall be made of such weights, lengths and breadths, as by former statutes is appointed.

A seal of lead shall be set to every northern cloth, containing the length and weight thereof.

ferred to be sold, shall set his seal of lead unto every of the same clothes, kerfies, dozens, cottons, plain greys, penistones, kighley whites, frizes, or by what name or names it or they be called : In which said seal of lead shall be contained the true and just length, and the true and just weight at the least of every such cloth, kerfie, dozen, cotton, penistone, plain greys, kighley whites, frizes, or by what name or names soever it or they shall be called, as it shall be duly found by due proof thereof to be tried by water or weight ; (3) upon pain to forfeit every cloth, dozen, cotton, kerfie, penistone, plain greys, kighley whites, frizes or other cloth, by what name or names soever it or they be called, which shall be made within any the counties aforesaid, whereunto such seal as is aforesaid shall not be put and set : (4) And in case, upon proof to be made by water or weight, of any such clothes, kerfies, dozens, cottons, penistones, plain greys, kighley whites, frizes, or any other cloth as is aforesaid, shall be found of less weight, or of smaller content in length, than is contained or specified in any of the said seals, that the owner of every such clothes, kerfies, dozens, cottons, penistones, plain greys, kighley whites and frizes, or any other cloth, by what name or names soever they be called as aforesaid, or any other person or persons in whose hands or possessions any such clothes, kerfies, dozens, cottons, penistones, plain greys, kighley whites, frizes or any other cloth, by what name or names soever they be called, shall be found, shall forfeit for every yard wanting in length, four shillings, and for every pound wanting in weight, two shillings.

The forfeitures for want of length and weight.

IV. And for the better and more speedy and effectual reforming of all such abuses as is aforesaid, be it further enacted, That in every parish, town, village and hamlet within the counties aforesaid, where any clothes, kerfies, dozens, cottons, penistones, plain greys, kighley whites, frizes or any other cloth, by what name or names soever they be called, shall be made or sold, the justices of peace of the same shire or riding, or two of them at the least, and in every city, borough or town corporate, the head officer or officers of every of the same city, borough or town corporate, together with some one or two of the justices of the peace of the shire or riding next adjoining to such city, borough or town corporate, shall have full power and authority, and shall by virtue of this act once every year at the least, and as often as they shall think good, to convent and call before them by their precept or otherwise, two, four, six or eight, or more, as they shall think good by their discretion, of the most honest, discreet and able men of every such city, town, village, hamlet or parish where any such cloth shall be made or sold, and them shall constitute, ordain and appoint to be overseers for one whole year, or six months, or shorter time, at their discretions, then next following, within the city, borough, town, village, hamlet or parish where the same overseers shall be dwelling, (2) and shall and may take them sworn and bound in recognizance of forty pounds a-piece, to the use of your most excellent

Overseers of cloth-making shall be appointed by the justices of peace or head officer of corporate towns.

Majesty and your successors, to do their best endeavour by all lawful ways and means for their time, to see that this statute in all points shall be truly observed and kept within the limits of their charge in every part thereof; (3) and that the same overseers, or two of them, shall once every month at the least, or so often as need shall require, or they shall think fit by their discretions, by force hereof visit and go into all or any house or houses, shops or other rooms of any clothiers, drapers, clothworkers, or of any other person or persons whatsoever, where any of the said cloth shall be, and there to make due search, and view the same made or remaining to be sold, and to take, search and try, as well by weight, water or any other way whatsoever, the said clothes, kersies, dozens, cottons, penistones, kighly whites, and frizes, or any other clothes, by what name or names they be called: (4) And if any clothes aforesaid, upon search thereof, shall not be found to be sealed with a seal, containing the length and weight as aforesaid, then the clothier and every owner of the said cloth, shall forfeit every such cloth, kersies, dozens, cottons, penistones, kighley whites and frizes, or any other cloth, by what name or names soever they be called, made within the counties aforesaid, not so sealed, and sold or offered to be sold; (5) and the said overseers and every of them shall and may seize and carry away the same so forfeited as aforesaid, and present the same to the justices of peace at the next quarter-sessions, to be by them disposed of as hereafter is in these presents limited and appointed.

The overseers duty, and they shall make search.

The forfeiture of the cloth for default of sealing.

V. And if the said overseers shall find any false seal or mark to be set upon any cloth aforesaid, or shall upon search as aforesaid find the same clothes aforesaid to be stretched or strained, then the same overseers shall present the same defaults unto the justices at the next quarter-sessions, and the names of the owners or possessors of such clothes, kersies, dozens, cottons, penistones, kighley whites and frizes, or any other clothes by what name or names they be called, so found defective; (2) and if any manner of person or persons, at any time after the said twentieth day of *September* shall deny, withstand or withhold any clothes, kersies, dozens, cottons, penistones, kighley whites and frizes, or any other cloth by what name or names soever they be called, from the said overseers or any of them, or will not suffer them to enter into any of the houses, shops, rooms or other places where any such clothes shall be; that then every such person or persons so denying or withstanding shall for the first offence forfeit and lose ten pounds, and for the second offence twenty pounds, and for the third offence, being thereof lawfully convicted by verdict of twelve men and two sufficient witnesses, shall stand upon the pillory in the next market-town. (3) And if any of the said persons so commanded to appear to be made overseers as aforesaid, and having no reasonable excuse, refuse to come and take upon him or them to be overseers as aforesaid, that then every such person so refusing, and having no reasonable excuse so to do, shall forfeit for every such refusing

The penalty for setting a false seal, or for straining or stretching of cloth.

The forfeitures for withholding of faulty cloth, or denying of search.

five pounds; the one half thereof to be to your most excellent Majesty, and your successors, and the other half to the justices of the peace or other head officer or officers by whose commandment he was appointed to appear to be overseer; (4) and the same overseers so offending, to remain in the ward of the sheriff, bailiff or other head officer, until such time as he hath made payment of the forfeiture, or otherwise put in sufficient bond for the satisfaction of the same.

The forfeiture
for refusing to
be overseer.

The overseers
shall fix a seal
of lead to the
clothes.

VI. And to the end that the said clothes, kersies, dozens, cottons, penistones, kighley whites and frizes, or any other clothes by what name or names soever they be called, so to be viewed and searched, may be the better known; (2) it is therefore enacted, That the said overseers shall fix unto every kind of the clothes aforesaid, a seal of lead containing the length and the weight of every such clothes (together with this word *searched*) (3) which cloth so sealed by the said overseers shall not be searched, tried or viewed by any other searcher or overseer of any other city, borough, town, village, parish or hamlet, by virtue of his or their said office or offices; any thing in this act or in any other statute to the contrary notwithstanding.

The penalty
for setting of
seals to clothes,
or taking them
away without
warrant.

VII. And further, the said clothiers and other inhabitants do humbly pray, that it may be likewise enacted, That if any person or persons, but such as are appointed, assigned and permitted by this act, or their servants or deputies, do at anytime after the said twentieth day of *September* counterfeit or set to, or willingly and wittingly take away from, any the said clothes, kersies, dozens, cottons, penistones, kighley whites and frizes, or any other cloth, by what name or names soever they be called, made within the counties aforesaid, any of the seals so to be fixed as above is recited; that then every person so offending shall for the first offence forfeit and lose ten pounds; (2) and for the second offence, being thereof lawfully convicted by the verdict of twelve men and two sufficient witnesses, stand upon the pillory, and lose and forfeit to your most excellent Majesty, your heirs and successors, twenty pounds.

Justices of
peace, head
constables and
overseers may
search for
ropes, rings,
wrinches, &c.
and deface
them.

VIII. And to the end that the said statutes and laws aforesaid may be more effectually executed, and all stretching and falsifying of any the clothes aforesaid taken away, it may be also enacted, That every justice of the peace, head constable or other the overseers aforesaid, shall have full power and lawful authority to enter in or upon any the messuages, tenements, houses, buildings, lands or grounds of any person or persons whatsoever, to search for any such tenters of what sort or kind soever, or any manner of ropes, rings, heads, wrinches or other engines whatsoever, whereby any falsehood or deceit may be used in or about the stretching and straining of any the said clothes, kersies, dozens, trizes, cottons, penistones and kighley whites, or any other cloth by what name or names soever they be called or any of them: (2) And that if they should find any such tenters of what sort or kind soever, or any manner of ropes, rings, heads, wringes or engines, they shall and may utterly deface the same,

same, in such sort as they cannot be employed again to any such use : (3) And if any person or persons with whom any such shall once have been found, shall after that be known to have or use any such tenter of what sort or kind soever, or any manner of rope, ring, head, wrinch, wring or engine ; that then they the said justices, head constables or overseers, or any of them, within the several precincts, shall take and sell the same to the best value thereof, and by the consent of two justices of peace within the same county, dispose the money thereof coming to the poor of that parish where the same shall be so taken : (4) And that upon complaint made or information given of any such tenter of what sort or kind soever, or any manner of rope, head, ring, wrinch or wring or any other engine, to any justice of peace, every one of them to whom such complaint shall be made or information given, shall within seven days next ensuing such complaint or information given, repair to the place where the same shall be so had and used, and then and there execute this law as aforesaid, upon the pain hereafter in this present act expressed : (5) And that if any person or persons shall withstand or resist any such justice of peace or other head officers, in or about, touching or concerning the execution of the premisses, every such person or persons shall forfeit and suffer, as is before limited for resisting the overseers in the search.

The punishment for the second offence.

The forfeiture for resisting of search.

IX. And if any the justices or justice of peace, within the limits or bounds of his or their commission, shall be negligent or make default in doing of any thing touching or concerning the due or true execution of this statute or any thing therein contained, every such justice of peace for every such default shall forfeit and lose five pounds. (2) And that all such forfeitures as shall happen or grow by reason of this act, shall be one third thereof to such person or persons as shall be then overseers, one other third part to the use of our sovereign lady the Queen's majesty, and one other third part to the use of the poor, to be employed to the use of the poor in such sort as the justices of peace, in their quarter-sessions to be holden next after judgment had or given for the same, shall limit and appoint.

A justice's forfeiture for being negligent in the execution of his duty herein.

Who shall have the forfeitures.

X. And that the said justices of peace in their quarter-sessions shall and may enquire, hear and determine every fault or offence made or done contrary to this present act or any thing therein contained, except the offences committed and forfeitures made by the justices of peace, by presentment, bill or information, and upon proof thereof made by the testimony of two sufficient witnesses openly given to the jury, and then upon presentment made by the jury, to give order for the execution of this statute, and every clause therein contained, and for the recovery of the penalties aforesaid, to the uses aforesaid.

Justices of peace shall hear and determine the aforesaid offences.

XI. And that the justices of assize shall and may enquire, hear and determine every fault or offence made or done by any justice of peace contrary to this present act, in neglect of their duty, in or about, touching or concerning the execution of this peace.

The justices of assize shall hear and determine the offences of the justices of this peace.

this present act, and upon proof thereof made by two sufficient witnesses, and by the presentment of the jury, shall and may give order for recovery and employment of the penalties and forfeitures by them committed and made, to the uses aforesaid: (2) And for default of justice to be done in manner and form aforesaid, by the justices of peace or justices of assize, then the one moiety of all such forfeitures to be the one half thereof to her Majesty, and the other to him that will sue for the same by action of debt, bill, plaint, information, &c. in any of her Majesty's court or courts of record at *Westminster*, in which no wager of law, protection or essoin shall be admitted or allowed.

Searching of
northern
clothes
brought to
London to be
sold.

XII. Provided nevertheless, and be it further enacted by the authority aforesaid, That all and every kind of clothes aforesaid, by what name soever they be called, which shall be made after the day aforesaid, within the counties aforesaid, and brought up to the city of *London*, to be sold there, shall be brought into the common cloth-market place within the said city, commonly called *Blackwell-Hall*, to be there searched dry, without wetting, and out of market-times, by the searchers of the said city; upon pain that every owner of any such cloth, shall forfeit for every such cloth not so brought into the market, forty shillings; (2) and upon pain that every searcher that shall search at any time in the market-times, to the disturbance of the sale of such clothes in the market there, shall forfeit for every such search so made five pounds. (3) All which said forfeitures shall be the one moiety to the use of our sovereign lady the Queen's majesty, her heirs and successors; the other to such person or persons as shall sue for the same by action of debt or information, in which suit no wager of law, protection or essoin shall be admitted or allowed.

CAP. XXI.

There shall be a further taxation for the relief of soldiers and mariners where sufficient was not provided by the statute of 35 Eliz. c. 4. The greatest rate of every parish to be taxed shall be eight pence, and the least two pence weekly. Another provision if the rate be not sufficient for the soldiers and mariners in London. Treasurers shall be appointed by the justices. The justices may alter the relief of soldiers and mariners. EXP. 43 Eliz. c. 3. 43 Eliz. c. 9.

CAP. XXII.

An act for the establishment of the bishoprick of Norwich and the possessions of the same, against a certain pretended concealed title made thereunto.

CAP. XXIII.

The inhabitants of the county of Monmouth shall stand chargeable for the making and repairing of Newport and Carlion bridges over the river of Usk, as need shall require: And such order shall be observed for the assessment, gathering and employment of the money thereupon to be spent, as is appointed by the statute of 22 H. 8. c. 5. But no town corporate shall be chargeable to be contributory thereunto, which is bound by any law to make or repair any bridge over any main river.

CAP. XXIV.

A convenient bridge of stone or timber or both, shall be made and finished at Wilton upon Wye in the county of Hereford, near unto the town
of

of Rois, by the inhabitants of the said county, in such place there as by the justices of peace of the county shall be appointed, within seven years next after the dissolution of this parliament, being the ninth day of February in the year of our Lord God one thousand five hundred ninety-seven. Pontage shall be taken of the same bridge in form following and not otherwise, viz. every person shall pay for every cart, carr or wain laden, driven over the said bridge, two-pence; and for every horse laden with a pack, one penny; and for every ten sheep or upward to twenty, two-pence; and for every twenty sheep, three-pence; and for five beasts to the number of twenty, two-pence; and for every twenty beasts, six pence; and so proportionably according to that rate. Two burgesses of the town of Rois and two freeholders of the county of Hereford, shall be yearly chosen collectors of the said pontage; to whom or to their deputies it shall be lawful to distrain and impound any person's beasts, sheep, &c. refusing to pay the said pontage. And the said collectors shall yearly pay to Charles Bridges, his heirs or assigns (upon whose land the bridge shall be builded) ten pounds at the feast of St. Michael. And the said collectors shall yearly make account of the profits of the said pontage. A proviso to discharge them and their heirs that do yearly pay corn to the keepers of the passing there, for their pontage, &c.

CAP. XXV.

An act for the enlarging of the statute made for following hue and cry, in the twenty-seventh year of your Majesty's reign, in some sort to relieve the inhabitants of the small hundred of Benhurst, in cases where they are in no voluntary default, and yet are or shall be charged by the same statute, and by the two ancient statutes; the one made the thirteenth year of King Edward the First; the other in the twenty-eighth year of King Edward the Third, for suppressing of robberies.

IN most humble wise beseecheth your most excellent Majesty the poor inhabitants of the hundred of Beynerth alias Benhurst, within the county of Berks, That whereas the said hundred doth consist only of five small villages, and three small quillets or hamlets, and hath lying through it two great road-highways; the one leading from London to Henley upon Thames, the other from London to Reading; and either of them at the least three miles in length, within the great woody ground called the Thicket, and no one of the same villages standeth upon or adjoining to either of the said ways, but lie dispersedly far from the same: Neither have the inhabitants of the same hundred any open or common fields, either arable or other, adjoining or lying near to such parts of the same ways (within the said thicket) as are most apt for robberies to be done, whereby they may have their servants or workmen labouring within the view of the same ways, to take notice of the robberies done; and therefore the said inhabitants cannot well have any speedy notice or intelligence of any robbery which shall be there committed, unless the party or parties robbed should give the same unto them: And the several lengths and manner of the lying of the same ways are such, as all the able men of the same small hundred cannot so watch the same several ways, as that thereby robberies may be prevented: (2) And whereas also notice of such robberies as have been of late years done there, have been for the most part given

Remedy for the inhabitants of the hundred of Benhurst in the county of Berks for recovery of such sums of money as shall be obtained of them by force of the statute of 27 El. c. 13. The causes that the inhabitants of the hundred of Benhurst cannot have notice of robberies done there.

13 Ed. 3. stat. 2.
c. 1.
28 Ed. 3. c. 11.

given by the party robbed, at the town of Maidenhead, which is out of that hundred, and three miles distant from the aforesaid thievish places in the thicket where the robberies are most usually done, and yet upon such notice of robberies given at Maidenhead aforesaid, being out of the hundred, there hath been lately, within one year, the sum of twelve score and fifteen pounds recovered upon the aforesaid statutes, against the small hundred of Beynerth alias Benhurst, which had no notice of the same robberies, whereby many of the poor inhabitants thereof have been and are utterly impoverished, to the utter ruin and overthrow of them, their wives and children; (3) and many other the like extremities may, by the aforesaid statutes, fall upon them, though it lieth not in their power (as well for want of notice as otherwise) to perform the same statutes; so as the inhabitants thereof are like to be generally impoverished, or enforced to remove their dwellings into some other hundred, without some relief shall be for them in that behalf provided: (4) That it may be enacted by the authority of this present parliament, That the inhabitants of the said hundred of Beynerth, alias Benhurst, shall and may to their own proper use, in the name of the clerk of the peace of the said county of Berksbire, recover, have and levy all such sums of money, costs and damages, as hereafter shall be recovered or levied of or against them by the aforesaid statutes, or any of them, against the inhabitants or resiants of every or any such hundred, with the franchises within the precincts thereof, wherein negligence, fault or defect of such pursuit and fresh suit, as by the said statute of the seven and twentieth year of your Majesty's reign is appointed to be made, shall happen to be, after notice given or hue and cry brought to the same inhabitants or resiants, or any of them, of or upon any robbery which shall be at any time hereafter done within the said hundred of Beynerth, alias Benhurst: (5) And that this present act shall give as full power and authority in all respects, to the inhabitants of the said hundred of Beynerth, alias Benhurst, in the name of the clerk of the peace of the said county, for recovery, having and levying, of all the said money, costs and damages as aforesaid, as the aforesaid statute of the seven and twentieth year of your Majesty's reign, gave or intended to give for the recovery of a moiety or one half thereof.

II. Provided always, and it is enacted by the authority aforesaid, That no such remedy or recovery shall be had by this statute, for all or the whole sum or sums of money and damages as aforesaid; but only in these two cases, viz. (2) The one where no such notice or intelligence (as by the said statute of the seven and twentieth year of your Majesty's reign was appointed to be given of every or any robbery) shall be given to the inhabitants of the said hundred of Beynerth, alias Benhurst: (3) The other, where the inhabitants of the same hundred (after such notice of any robbery to them or some of them given, or after hue and cry to them for the same brought) shall make or cause to be made fresh suit and pursuit after the offenders, with horsemen and footmen, according to the said statute of the seven and twentieth

twentieth year of your Majesty's reign, and where nevertheless ²⁷ Eliz. c. 13. the offenders, or any or one of them, shall not be apprehended within forty days after the robbery committed.

CAP. XXVI.

A confirmation of three subsidies of four shillings in the pound granted to the Queen by the clergy, to be paid at six several days. EXP.

CAP. XXVII.

A confirmation of three entire subsidies and six fifteens and tenths granted to the Queen by the temporality. EXP.

CAP. XXVIII.

A confirmation of the Queen's general and free pardon. Except, &c. EXP.

Anno quadragesimo tertio Reginæ Elizabethæ.

AT the parliament begun and bolden at Westminster the seven and twentieth day of October in the three and fortieth year of the reign of our most gracious sovereign lady Elizabeth, by the grace of God, of England, France and Ireland, Queen, defender of the faith, &c. And there continued until the dissolution thereof, being the nineteenth of December next following, one thousand six hundred one; To the high pleasure of Almighty God, and the weal publick of this realm, were enacted as followeth.

CAP. I.

An act for confirmation of grants made to the Queen's Majesty, &c. and of letters patents made by her Highness to others.

Assurances made to or for the Queen of any lands, &c. since Feb. 8. anno 25 of her reign; and all letters patents made by the Queen to others since that time, &c. confirmed. To what letters patents this statute doth extend, and to what not. A saving of the right of others. Sales of the Queen's lands to be made by force of a commission in being before the end of the session of parliament confirmed. Letters patents shall be expounded beneficially for the patentee. Mis-naming, mis-recital, non-recital of the lands: Lack of finding of offices: Mis-recital or non-recital of leases: Mis-recital or non-recital of the Queen's estate: No estate tail recited: Lack of certainty, casting, rating of the yearly rent or value: The lands valued at more or less than they be: Mis-naming or not true naming of the places where the lands lie: The lack of the true naming of the lands, and of the kinds, sorts, &c. Mis-naming of the corporation: Lack of attornment, livery and seisin: Mis-naming of the late tenants: Mis-naming of the late owners notwithstanding. Letters patents of offices excepted. Recompence for the overplus of lands sold by the Queen to be made by the rate of threescore years purchase. Certain grants excepted. Patents of concealed lands. Patents made by warrant of commissioners authorized to make composition with others. Patents decreed to be void by act of parliament, or in any of the Queen's courts of record. Monopolies. Patents touching penal statutes. The right of others saved. Patents of lands whereof there is an estate-tail in the Queen, leases made to the Queen by the bishop of Carlisle excepted. 34 & 35 H. 8. c. 21. 1 Ed. 6. c. 8. 7 Ed. 6. c. 3. 4 & 5 Ph. & M. c. 1. 18 El. c. 2. 35 El. c. 3.

EXP.

11 Co. 75.

Lane 7.

1 Roll. 31.

C A P. II.

An act for the relief of the poor.

Who shall be
overseers for
the poor;
their office,
duty and ac-
count, &c.

39 Eliz. c. 3.

17 Geo. 2. c. 3.

16 Geo. 2.

c. 18.

Mod. Cases in

law 39, 344.

4 Mod. 157.

Cro. Car. 92.

Who shall be
taxed towards
the relief of
the poor.

A convenient
stock shall be
provided to
set the poor
on work.

*The names of
such as re-
ceive collec-
tion to be regi-
stered in a
book.*

3 & 4 W. & M.

c. 11. s. 11.

The overseers
shall meet
once every
month.

2 Bulstr. 345,

&c. 358.

5 Mod. 179.

The overseers
account.

BE it enacted by the authority of this present parliament, That the church-wardens of every parish, and four, three or two substantial householders there, as shall be thought meet, having respect to the proportion and greatness of the same parish and parishes, to be nominated yearly in *Easter* week, or within one month after *Easter*, under the hand and seal of two or more justices of the peace in the same county, whereof one to be of the *quorum*, dwelling in or near the same parish or division where the same parish doth lie, shall be called overseers of the poor of the same parish: and they, or the greater part of them, shall take order from time to time, by and with the consent of two or more such justices of peace as is aforesaid, for setting to work the children of all such whose parents shall not by the said church-wardens and overseers, or the greater part of them, be thought able to keep and maintain their children; and also for setting to work all such persons, married or unmarried, having no means to maintain them, and use no ordinary and daily trade of life to get their living by: and also to raise weekly or otherwise (by taxation of every inhabitant, parson, vicar and other, and of every occupier of lands, houses, tithes impropriate, propriations of tithes, coal-mines, or saleable underwoods in the said parish, in such competent sum and sums of money as they shall think fit) a convenient stock of flax, hemp, wool, thread, iron and other necessary ware and stuff, to set the poor on work: and also competent sums of money for and towards the necessary relief of the lame, impotent, old, blind, and such other among them, being poor and not able to work, and also for the putting out of such children to be apprentices, to be gathered out of the same parish, according to the ability of the same parish, and to do and execute all other things, as well for the disposing of the said stock as otherwise concerning the premises, as to them shall seem convenient:

II. Which said church-wardens and overseers so to be nominated, or such of them as shall not be lett by sickness or other just excuse, to be allowed by two such justices of peace or more as is aforesaid, shall meet together at the least once every month in the church of the said parish, upon the *Sunday* in the afternoon after divine service, there to consider of some good course to be taken, and of some meet order to be set down in the premises; (2) and shall within four days after the end of their year, and after other overseers nominated as aforesaid, make and yield up to such two justices of peace as is aforesaid, a true and perfect account of all sums of money by them received, or rated and sessed and not received, and also of such stock as shall be in their hands, or in the hands of any of the poor to work, and of all other things concerning their said office; (3) and such sum or sums of money as shall be in their hands, shall pay and deliver over to the said church-wardens and overseers newly nominated

inated and appointed as aforesaid; (4) upon pain that every one of them absenting themselves without lawful cause as aforesaid, from such monthly meeting for the purpose aforesaid, or being negligent in their office, or in the execution of the orders aforesaid, being made by and with the assent of the said justices of peace, or any two of them before-mentioned, to forfeit for every such default of absence or negligence twenty shillings.

III. And be it also enacted, That if the said justices of peace do perceive, that the inhabitants of any parish are not able to levy among themselves sufficient sums of money for the purposes aforesaid; That then the said two justices shall and may tax, rate and assess as aforesaid, any other of other parishes, or out of any parish, within the hundred where the said parish is, to pay such sum and sums of money to the church-wardens and overseers of the said poor parish for the said purposes, as the said justices shall think fit, according to the intent of this law: (2) and if the said hundred shall not be thought to the said justices able and fit to relieve the said several parishes not able to provide for themselves as aforesaid; Then the justices of peace at their general quarter-sessions, or the greater number of them, shall rate and assess as aforesaid, any other of other parishes, or out of any parish, within the said county for the purposes aforesaid, as in their discretion shall seem fit.

IV. And that it shall be lawful, as well for the present as subsequent church-wardens and overseers, or any of them, by warrant from any two such justices of peace, as is aforesaid, to levy as well the said sums of money, and all arrearages, of every one that shall refuse to contribute according as they shall be assessed, by distress and sale of the offender's goods, as the sums of money or stock which shall be behind upon any account to be made as aforesaid, rendering to the parties the overplus; (2) and in defect of such distress, it shall be lawful for any such two justices of the peace to commit him or them to the common gaol of the county, there to remain without bail or mainprize until payment of the said sum, arrearages and stock: (3) and the said justices of peace, or any one of them, to send to the house of correction or common gaol, such as shall not employ themselves to work, being appointed thereunto, as aforesaid: (4) and also any such two justices of peace to commit to the said prison every one of the said church-wardens and overseers which shall refuse to account, there to remain without bail or mainprize until he have made a true account, and satisfied and paid so much as upon the said account shall be remaining in his hands.

V. And be it further enacted, That it shall be lawful for the said church-wardens and overseers, or the greater part of them, by the assent of any two justices of the peace aforesaid, to bind any such children, as aforesaid, to be apprentices, where they shall see convenient, till such man-child shall come to the age of four and twenty years, and such woman-child to the age of one and twenty years, or the time of her marriage; the same

The overseers
forfeiture for
absence or
negligence.

A provision
where the in-
habitants of
any parish are
not able to re-
lieve the poor.
2 Bulst. 351.
1 Ventr. 350.
churchwar-
dens, &c. may
make a rate
to reimburse
themselves,
&c.

13 & 14 Car. 2.
c. 12. s. 12.

A remedy for
the levying of
the money
assessed.

Imprisonment
in default of
distress.

Imprisonment
of those that
will not work.

Refusers to
account, im-
prisoned.
17 G. 2. c. 38.

Binding of
children ap-
prentices.

1 Jac. 1. c. 29.
1 Car. 1. c. 4.

Further provi-
sions relating
hereto.

8 & 9 W. 3.
c. 30. f. 5.
Parish apprentices may be turned over to the sea-service, by 2 & 3 Ann. c. 6. f. 6.

Building of houses on the waste for the poor to inhabit.

9 Geo. 1. c. 7.

31 El. c. 7.

A remedy for them who find themselves grieved with any tax.

Poor persons relieved by their parents or children.
5 Geo. 1. c. 8.
2 Bulstr. 344.

to be as effectual to all purposes, as if such child were of full age, and by indenture of covenant bound him or her self. (2) And to the intent that necessary places of habitation may more conveniently be provided for such poor impotent people; (3) be it enacted by the authority aforesaid, That it shall and may be lawful for the said church-wardens and overseers, or the greater part of them, by the leave of the lord or lords of the manor, whereof any waste or common within their parish is or shall be parcel, and upon agreement before with him or them made in writing, under the hands and seals of the said lord or lords, or otherwise, according to any order to be set down by the justices of peace of the said county at their general quarter-sessions, or the greater part of them, by like leave and agreement of the said lord or lords in writing under his or their hands and seals, to erect, build, and set up in fit and convenient places of habitation in such waste or common, at the general charges of the parish, or otherwise of the hundred or county, as aforesaid, to be taxed, rated and gathered in manner before expressed, convenient houses of dwelling for the said impotent poor; (4) and also to place inmates, or more families than one in one cottage or house; one act made in the one and thirtieth year of her Majesty's reign, intituled, *An act against the erecting and maintaining of cottages*, or any thing therein contained to the contrary notwithstanding: (5) which cottages and places for inmates shall not at any time after be used or employed to or for any other habitation, but only for impotent and poor of the same parish, that shall be there placed from time to time by the church-wardens and overseers of the poor of the same parish, or the most part of them, upon the pains and forfeitures contained in the said former act made in the said one and thirtieth year of her Majesty's reign.

VI. Provided always, That if any person or persons shall find themselves grieved with any sels or tax, or other act done by the said church-wardens and other persons, or by the said justices of peace; that then it shall be lawful for the justices of peace, at their general quarter-sessions, or the greater number of them, to take such order therein, as to them shall be thought convenient; and the same to conclude and bind all the said parties.

VII. And be it further enacted, That the father and grandfather, and the mother and grandmother, and the children of every poor, old, blind, lame and impotent person, or other poor person not able to work, being of a sufficient ability, shall, at their own charges, relieve and maintain every such poor person in that manner, and according to that rate, as by the justices of peace of that county where such sufficient persons dwell, or the greater number of them, at their general quarter-sessions shall be assessed; (2) upon pain that every one of them shall forfeit twenty shillings for every month which they shall fail therein.

VIII. And

VIII. And be it further hereby enacted, That the mayors, bailiffs, or other head officers of every town and place corporate and city within this realm, being justice or justices of peace, shall have the same authority by virtue of this act, within the limits and precincts of their jurisdictions, as well out of sessions, as at their sessions, if they hold any, as is herein limited, prescribed and appointed to justices of the peace of the county, or any two or more of them, or to the justices of peace in their quarter-sessions, to do and execute for all the uses and purposes in this act prescribed, and no other justice or justices of peace to enter or meddle there: (2) and that every alderman of the city of London within his ward, shall and may do and execute in every respect so much as is appointed and allowed by this act to be done and executed by one or two justices of peace of any county within this realm.

Officers of corporate towns have the authority of justices of peace.

Aldermen of London.

IX. And be it also enacted, That if it shall happen any parish to extend it self into more counties than one, or part to lie within the liberties of any city, town or place corporate, and part without, That then as well the justices of peace of every county, as also the head officers of such city, town or place corporate shall deal and intermeddle only in so much of the said parish as lieth within their liberties, and not any further: (2) and every of them respectively within their several limits, wards and jurisdictions, to execute the ordinances before-mentioned concerning the nomination of overseers, the consent to binding apprentices, the giving warrant to levy taxations unpaid, the taking account of church-wardens and overseers, and the committing to prison such as refuse to account, or deny to pay the arrears due upon their accounts; (3) and yet nevertheless, the said church-wardens and overseers, or the most part of them, of the said parishes that do extend into such several limits and jurisdictions, shall, without dividing themselves, duly execute their office in all places within the said parish, in all things to them belonging, and shall duly exhibit and make one account before the said head officer of the town or place corporate, and one other before the said justices of peace, or any such two of them, as is aforesaid.

A parish extending into 2 counties, or into two liberties.
2 Bulstr. 351.

X. And further be it enacted by the authority aforesaid, That if in any place within this realm there happen to be hereafter no such nomination of overseers yearly, as is before appointed, That then every justice of peace of the county, dwelling within the division where such default of nomination shall happen, and every mayor, alderman and head officer of city, town or place corporate where such default shall happen, shall lose and forfeit for every such default five pounds, to be employed towards the relief of the poor of the said parish or place corporate, and to be levied, as aforesaid, of their goods, by warrant from the general sessions of the peace of the said county, or of the same city, town or place corporate, if they keep sessions.

The justices forfeiture for not naming of overseers.

XI. And be it also enacted by the authority aforesaid, That all penalties and forfeitures before-mentioned in this act to be

How the forfeiture shall be levied and employed.

forfeited by any person or persons, shall go and be employed to the use of the poor of the same parish, and towards a stock and habitation for them, and other necessary uses and relief, as before in this act are mentioned and expressed; (2) and shall be levied by the said church-wardens and overseers, or one of them, by warrant from any two such justices of peace, or mayor, alderman, or head officer of city, town or place corporate respectively within their several limits, by distress and sale thereof, as aforesaid; (3) or in default thereof, it shall be lawful for any two such justices of peace, and the said aldermen and head officers within their several limits, to commit the offender to the said prison, there to remain without bail or mainprize till the said forfeitures shall be satisfied and paid.

The justices shall rate every parish to a weekly sum. a Bulstr. 353.

XII. And be it further enacted by the authority aforesaid, That the justices of peace of every county or place corporate, or the more part of them, in their general sessions to be holden next after the feast of *Easter* next, and so yearly as often as they shall think meet, shall rate every parish to such a weekly sum of money as they shall think convenient; (2) so as no parish be rated above the sum of six-pence, nor under the sum of a half-penny, weekly to be paid, and so as the total sum of such taxation of the parishes in every county amount not above the rate of two-pence for every parish within the said county: (3) which sums so taxed shall be yearly assessed by the agreement of the parishioners within themselves, or in default thereof, by the church-wardens and petty constables of the same parish, or the more part of them: or in default of their agreement, by the order of such justice or justices of peace as shall dwell in the same parish, or (if none be there dwelling) in the parts next adjoining.

The penalty for refusing to pay money taxed.

XIII. And if any person shall refuse or neglect to pay any such portion of money so taxed, it shall be lawful for the said church-wardens and constables, or any of them, or in their default, for any justice of peace of the said limit, to levy the same by distress and sale of the goods of the party so refusing or neglecting, rendring to the party the overplus: (2) and in default of such distress, it shall be lawful to any justice of that limit to commit such person to the said prison, there to abide without bail or mainprize till he have paid the same.

Relief for the prisoners of the King's bench, marshalsea, hospitals.

XIV. And be it also enacted, That the said justices of peace at their general quarter-sessions to be holden at the time of such taxation, shall set down what competent sums of money shall be sent quarterly out of every county or place corporate, for the relief of the poor prisoners of the King's bench and marshalsea, and also of such hospitals and alms-houses as shall be in the said county, and what sums of money shall be sent to every one of the said hospitals, and alms-houses, so as there be sent out of every county yearly twenty shillings at the least, to each of the said prisons of the King's bench and marshalsea; (2) which sums ratably to be assessed upon every parish, the church-wardens of every parish shall truly collect and pay over to the high constables

constables in whose division such parish shall be situate, from time to time, quarterly, ten days before the end of every quarter; (3) and every such constable at every such quarter-sessions in such county, shall pay over the same to two such treasurers, or to one of them, as shall by the more part of the justices of peace of the county be elected to be the said treasurers, to be chosen by the justices of peace of the said county, city or town, or place corporate, or of others which were seised and taxed at five pounds lands, or ten pounds goods at the least, at the tax of subsidy next before the time of the said election to be made; (4) and the said treasurers so elected to continue for the space of one whole year in their office, and then to give up their charge, with a due account of their receipts and disbursements, at the quarter-sessions to be holden next after the feast of *Easter* in every year, to such others as shall from year to year, in form aforesaid, successively be elected treasurers for the said county, city, town or place corporate; (5) which said treasurers, or one of them, shall pay over the same to the lord chief justice of *England*, and knight marshal for the time being, equally to be divided to the use aforesaid, taking their acquittance for the same, or in default of the said chief justice, to the next antientest justice of the King's bench, as aforesaid: (6) and if any church-warden or high constable, or his executors or administrators, shall fail to make payment in form above specified, then every church-warden, his executors or administrators, so offending, shall forfeit for every time the sum of ten shillings; (7) and every high constable, his executors or administrators, shall forfeit for every time the sum of twenty shillings; (8) the same forfeitures, together with the sums behind, to be levied by the said treasurer and treasurers by way of distress and sale of the goods as aforesaid, in form aforesaid, and by them to be employed towards the charitable uses comprised in this act.

Treasurers.

Lord chief justice of England, knight marshal.

The forfeiture of the church-wardens or high-constables offending.

XV. And be it further enacted, That all the surplussage of money which shall be remaining in the said stock of any county, shall by discretion of the more part of the justices of peace in their quarter-sessions, be ordered, distributed and bestowed for the relief of the poor hospitals of that county, and of those that shall sustain losses by fire, water, the sea or other casualties, and to such other charitable purposes, for the relief of the poor, as to the more part of the said justices of peace shall seem convenient.

How the surplussage shall be bestowed. *2 Salk. 605.*

XVI. And be it further enacted, That if any treasurer elected shall wilfully refuse to take upon him the said office of treasurer, or refuse to distribute and give relief, or to account, according to such form as shall be appointed by the more part of the said justices of peace; That then it shall be lawful for the justices of peace in their quarter-sessions, or in their default, for the justices of assize at their assizes to be holden in the same county, to fine the same treasurer by their discretion; (2) the same fine not to be under three pounds, and to be levied by sale of his goods, and to be prosecuted by any two of the said

The penalty for refusing to be treasurer, to give relief, or account.

This act to
take effect at
Easter.

justices of peace whom they shall authorize. (3) Provided always, That this act shall not take effect until the feast of *Easter* next.

For what
time, and to
what purpose
the stat. of 39.
El. c. 3. shall
be put in ex-
ecution.

XVII. And be it enacted, That the statute made in the nine and thirtieth year of her Majesty's reign, intituled, *An act for the relief of the poor*, shall continue and stand in force until the feast of *Easter* next; (2) and that all taxations heretofore imposed and not paid, nor that shall be paid before the said feast of *Easter* next, and that all taxes hereafter before the said feast to be taxed by virtue of the said former act, which shall not be paid before the said feast of *Easter*, shall and may after the said feast of *Easter* be levied by the overseers and other persons in this act respectively appointed to levy taxations, by distress, and by such warrant in every respect, as if they had been taxed and imposed by virtue of this act, and were not paid.

The island of
Fowlness in
Essex.

XVIII. Provided always, That whereas the island of *Fowlness* in the county of *Essex*, being environed with the sea, and having a chapel of ease for the inhabitants thereof, and yet the said island is no parish, but the lands in the same are situated within divers parishes far distant from the said island; (2) be it therefore enacted by the authority aforesaid, That the said justices of peace shall nominate and appoint inhabitants within the said island, to be overseers for the poor people dwelling within the said island, and that both they the said justices and the said overseers shall have the same power and authority to all intents, considerations and purposes for the execution of the parts and articles of this act, and shall be subject to the same pains and forfeitures, and likewise that the inhabitants and occupiers of lands there shall be liable and chargeable to the same payments, charges, expences and orders, in such manner and form as if the same island were a parish; (3) in consideration whereof, neither the said inhabitants or occupiers of land within the said island, shall not be compelled to contribute towards the relief of the poor of those parishes wherein their houses or lands which they occupy within the said island are situated, for or by reason of their said habitations or occupings, other than for the relief of the poor people within the said island, neither yet shall the other inhabitants of the parishes wherein such houses or lands are situated be compelled, by reason of their residency or dwelling, to contribute to the relief of the poor inhabitants within the said island.

The defend-
ant's plea in
a suit com-
menced a-
gainst him
upon this
statute.

XIX. And be it further enacted, That if any action of trespass or other suit shall happen to be attempted and brought against any person or persons, for taking of any distress, making of any sale, or any other thing doing, by authority of this present act, the defendant or defendants in any such action or suit shall and may either plead not guilty, or otherwise make avowry, cognisance or justification for the taking of the said distresses, making of sale, or other thing doing by virtue of this act, alledging in such avowry, cognisance or justification, That the said distress, sale, trespass or other thing whereof the plaintiff

plaintiff or plaintiffs complained, was done by authority of this act, and according to the tenor, purport and effect of this act, without any expressing or rehearsal of any other matter or circumstance contained in this present act: (2) to which avowry, cognisance or justification, the plaintiff shall be admitted to reply, That the defendant did take the said distress, made the said sale, or did any other act or trespass supposed in his declaration, of his own wrong, without any such cause alleged by the said defendant; (3) whereupon the issue in every such action shall be joined, to be tried by verdict of twelve men, and not otherwise, as is accustomed in other personal actions: (4) and upon the trial of that issue, the whole matter to be given on both parties in evidence, according to the very truth of the same; (5) and after such issue tried for the defendant, or nonsuit of the plaintiff after appearance, the same defendant to recover treble damages, by reason of his wrongful vexation in that behalf, with his costs also in that part sustained, and that to be assessed by the same jury, or writ to enquire of the damages, as the same shall require.

Treble damages for the defendant, and his costs.

XX. Provided always, That this act shall endure no longer than to the end of the next session of parliament. 3 Car. 1. c. 4. Continued until the end of the first session of the next parliament, and farther continued by 16 Car. 1. c. 4.

C A P. III.

An act for the necessary relief of soldiers and mariners.

WHEREAS in the thirty-fifth year of the Queen's majesty's reign that now is, an act was made, intituled, An act for the necessary relief of soldiers and mariners: and whereas in the thirty-ninth year of her Majesty's reign, there was also made another act, intituled, An act for the further continuance and explanation of the said former, be it enacted by authority of this present parliament, That both the said acts shall be and continue in force until the feast of *Easter* next, and shall be from and after the said feast discontinued.

The statute of 35 Eliz. c. 4. and 39 Eliz. c. 21. concerning the relief of soldiers and mariners, repealed.

II. And forasmuch as it is now found more needful than it was at the making of the said acts, to provide relief and maintenance to soldiers and mariners that have lost their limbs, and disabled their bodies in the defence and service of her Majesty and the state, in respect the number of the said soldiers is so much the greater, by how much her Majesty's just and honourable defensive wars are increased; (2) to the end therefore that they the said soldiers and mariners may reap the fruits of their good deservings, and others may be encouraged to perform the like endeavours.

Who shall be hereafter charged with contribution for their relief; who shall receive it and pay it to them, and how mariners or soldiers begging shall be punished, &c.

III. Be it enacted by the authority of this present parliament, That from and after the said feast of *Easter* next, every parish within this realm of *England* and *Wales* shall be charged to pay weekly such a sum of money towards the relief of sick, hurt and maimed soldiers and mariners, that so have been as afore is said, or shall lose their limbs, or disable their bodies, having been press and in pay for her Majesty's service, as by the justices

Every parish charged with a weekly sum towards the relief of sol-

dictors and mariners.

Justices of peace, or the more part of them, in their general quarter-sessions to be holden in their severall counties next after the feast of *Easter* next, and so from time to time at the like quarter-sessions to be holden next after the feast of *Easter* yearly, shall be appointed, so as no parish be rated above the sum of ten pence, nor under the sum of two pence weekly to be paid, and so as the total sum of such taxation of the parishes in any county where there shall be above fifty parishes, do not exceed the rate of six pence for every parish in the same county; (2) which sums so taxed shall be yearly assessed by the agreements of the parishioners within themselves, or in default thereof, by the church-wardens and the petty constables of the same parish, or the more part of them, or in default of their agreement, by the order of such justices or justice of peace, as shall dwell in the same parish, or if none be there dwelling, in the parts next adjoining.

The taxation of every parish.

The penalty for refusing to pay the money taxed.

IV. And if any person shall refuse or neglect to pay any such portion of money so taxed, it shall be lawful for the said church-wardens and petty constables and every of them, or in their defaults, for the said justices of peace or justice, to levy such sum by distress and sale of the goods or chattels of the party so refusing or neglecting, rendring to the party the overplus raised upon such sale.

Church-wardens, &c. shall pay to the high constables the money taxed.

V. And for the collecting and custody of the sums taxed in form aforesaid, be it enacted, That the church-wardens and petty constables of every parish shall truly collect every such sum, and the same shall pay over unto the high constables in whose division such parish shall be situate, ten days before the quarter-sessions to be holden next before or about the feast of the nativity of St. *Jahn Baptist* next, in the county where the said parish shall be situate, and so from time to time quarterly, within ten days before every quarter-sessions; (2) and that every such high constable, at every such quarter-sessions in such county, shall pay over the same to two such justices of peace, or to two such other persons, or one of them, as shall be by the more part of the justices of peace of the same county elected to be treasurers of the said collection; (3) the same other persons to be elected treasurers, to be such as at the last taxation of the subsidy next before the same election shall be valued and sessed at ten pounds in lands yearly, or at fifteen pounds in goods; (4) which treasurers in every county so chosen shall continue but for the space of one whole year, and then give up their charge, with a due account of their receipts and disbursements, at their meeting in *Easter* quarter-sessions, or within ten days after, to such others as shall from year to year, in the form aforesaid, successively be elected.

Treasurers.

Treasurers account.

Church-wardens or constables failing of payment.

VI. And if any church-warden, petty constable or high constable, or his executors or administrators, shall fail to make payment in form above specified, Then every church-warden and petty constable, his executors and administrators so offending, shall forfeit the sum of twenty shillings. (2) And every

every high constable, his executors or administrators, the sum of forty shillings : (3) to be levied by the treasurers aforesaid by distress and sale in manner before expressed, and to be taken by the said treasurers in augmentation of their stock, to the uses aforesaid.

VII. And if any treasurer, his executors or administrators, shall fail to give up his account within the time aforesaid, or shall be otherwise negligent in the execution of his charge, then it shall be lawful for the more part of the justices of peace of the same county in their sessions, to assess such fine upon such treasurer, his executors or administrators, as in their discretion shall seem convenient, so it be not under the sum of five pounds.

A treasurer failing of his account, or neglecting the charge.

VIII. And for the true and just distribution and employment of the sums so received according to the true meaning of this act ; (2) be it enacted by the authority aforesaid, That every soldier or mariner, having had his or their limbs lost, or disabled in their bodies by service, being in her Majesty's pay as above is mentioned, or such as shall hereafter return into this realm hurt or maimed, or grievously sick, shall repair, if he be able to travel, and make his complaint to the treasurers of the county out of which he was pressed ; (3) or if he were no prest man, to the treasurers of the county where he was born, or last inhabited by the space of three years, at his election ; and if he be not able to travel, to the treasurers of the county where he shall land or arrive ; (4) and shall bring a certificate unto any of the treasurers aforesaid, under the hand and seal of the general of the camp, or governor of the town wherein he served, and of the captain of the band under whom he served, or his lieutenant, or in the absence of the said general or governor, from the marshal or deputy of the governor, or from any admiral of her Majesty's fleet, or in his absence from any other general of her Majesty's ships at the seas, or in absence of such general, from the captain of the ship wherein the said mariners or soldiers did serve the Queen's majesty, containing the particulars of his hurts and services ; (5) which certificate shall be also allowed by the general muster-master for the time being, resident here within this realm, or receiver general of the musters, the treasurer and comptroller of her Majesty's navy, under his hand, for the avoiding of all fraud and counterfeiting ; (6) then upon such certificate, such treasurers as are before expressed, shall according to the nature of his hurt and commendation of his service, assign unto him such a portion of relief as in their discretions shall seem convenient for his present necessity, until the next quarter-sessions ; (7) at the which it shall be lawful for the more part of the justices of peace under their hands, to make an instrument of grant of the same or like relief, to endure as long as this act shall stand or endure in force, if the same soldier or mariner so long live, and the same pension be not duly revoked or altered, which shall be a sufficient warrant to all treasurers for the same county, to make payment of such pension unto such persons quarterly,

To what treasurer the soldier or mariner shall repair for relief.

Who shall make the soldiers or mariners certificate.

Allowance of the certificate.

The treasurer shall assign relief to the soldier.

The justices of peace shall grant relief to soldiers.

How much relief shall be assigned to either sort of soldiers.

except the same shall be afterward by the said justices revoked or altered: (8) so that such relief as shall be assigned by such treasurers or justices of peace, to any such soldier or mariner having not borne office in the said wars, exceed not the sum in gross nor yearly pension of ten pounds, nor to any that hath borne office under the degree of a lieutenant, the sum of fifteen pounds, nor to any that hath served in the office of lieutenant, the sum of twenty pounds.

The justices may revoke, or alter the relief of soldiers.

IX. And yet nevertheless, it shall and may be lawful to and for the justices of peace and others having authority by this act to assign pensions to soldiers and mariners, upon any just cause to revoke, diminish or alter the same from time to time, according to their discretions in their general quarter-sessions of the peace, or general assemblies for cities or towns corporate where the same pension shall be granted.

Soldiers arriving far from the place where they are to receive relief.

X. And whereas it must needs fall out, that many of such hurt and maimed soldiers and mariners do arrive in ports and places far remote from the counties whence they are by virtue of this act to receive their yearly annuities and pensions: (2) as also they are prescribed by this act to obtain the allowance of their certificates from the muster-master or receiver general of the muster-rolls who commonly is like to abide about the court or London, so as they shall need at the first, provision for the bearing of their charges to such places; (3) be it therefore enacted, That it may be lawful for the treasurers of the county where they shall arrive, in their discretion, upon their certificate (though not allowed) to give them any convenient relief for their journey to carry them to the next county, with a testimonial of their allowance, to pass on towards such a place: and in like manner shall it be lawful for the treasurer of the next county to do the like; and so from county to county (in the direct way) till they come to the place where they are directed to find their maintenance according to the tenor of this statute.

The treasurers book of computation, and register.

XI. And for the better execution of this act in all the branches thereof, be it enacted, That every the treasurers in their several counties shall keep a true book of computation of all such sums as they levied, and also a register of the names of every such person unto whom they shall have disbursed any relief: (2) and shall also preserve or enter every certificate, by warrant whereof such relief hath been by them disbursed: (3) and also that the muster-master or receiver general of the muster-rolls shall keep a book, wherein shall be entred the names of all such whose certificates shall be by him allowed, with an abstract of their certificates: (4) and that every treasurer returning or not accepting the certificate brought unto him from the said muster-master, shall write and subscribe the cause of his not accepting or not allowing thereof under the said certificate, or on the back thereof.

Muster-master shall keep a book of certificates.

The treasurer refusing to give relief.

XII. And be it further enacted, That if any treasurer shall wilfully refuse to distribute and give any relief according to the form of this act, That it shall be lawful for the justices of peace in

in their quarter-sessions to fine such treasurers by their discretions, as aforesaid; the same fine to be levied by distress and sale thereof, to be prosecuted by any two of them whom they shall authorize.

XIII. And be it also enacted, That every foldier or mariner that shall be taken begging in any place within this realm after the feast of *Easter* next, or any that shall counterfeit any certificate in this act expressed, shall for ever lose his annuity or pension, and shall be taken deemed and adjudged as a common rogue or vagabond person, and shall have and sustain the same and the like pains, imprisonment and punishment, as is appointed and provided for common rogues and vagabond persons.

A foldier or mariner taken begging or counterfeiting a certificate.

XIV. Provided always, and be it enacted, That all the surplusage of money which shall be remaining in the stock of any county, shall by the discretion of the more part of the justices of peace in their quarter-sessions be ordered, distributed and bestowed upon such good and charitable uses, and in such form, as are limited and appointed in the statutes made and now in force concerning relief of the poor, and punishment of rogues and beggars.

How the surplusage of the stock shall be bestowed.
43 El. c. 8.

XV. Provided always, That the justices of peace within any county of this realm or *Wales* shall not intromit or enter into any city, borough, place or town corporate, where is any justice of peace for any such city, borough, place or town corporate for the execution of any article of this act; (2) but that it shall be lawful to the justice and justices of peace, mayors, bailiffs and other head officers of those cities, boroughs, places and towns corporate, where there is any justice of peace, to proceed to the execution of this act within the precinct and compass of their liberties, in such manner as the justices of peace in any county may do by virtue of this act: (3) and that every justice of peace within every such city, borough, place or town corporate, for every offence by him committed, contrary to the meaning of this statute, shall be finable, as other justices of peace at the large in the counties are in this act appointed to be: (4) and that the mayor and justices of peace in every such city, borough, place and town corporate; shall have authority by this present act to appoint any person for the receiving of the said money and paying the same within such city, borough, place or town corporate; which person so appointed shall have authority to do all such things, and be subject to all such penalties, as high constables by virtue of this act should have or be.

Chief officers in corporate towns shall execute this act there.

XVI. And be it enacted, That all forfeitures to be forfeited by any treasurer, collector, constable, church-warden, or other person, for any cause mentioned in this act, shall be employed to the relief of such soldiers and mariners, as are by this act appointed to take and have relief: (2) and after that relief satisfied, then the overplus thereof, with the overplus of the stock remaining in any of the said treasurers hands, shall be employed, as is before-mentioned, to the charitable uses expressed in the said statutes concerning the relief of the poor, and

How the forfeitures shall be employed.

Out of what
county relief
shall be given
to soldiers and
mariners.

and for punishment of rogues and beggars, (except the said justices, or the more part of them, shall think meet to reserve and keep the same in stock for the maintenance and relief of such soldiers and mariners, as out of the same county may afterwards be appointed to receive relief and pensions:) (3) and that the relief appointed to be given by this act shall be given to soldiers and mariners out of the county or place where they were pressed, so far forth as the taxation limited by this act will extend: (4) and if the whole taxation there shall be before employed according to the meaning of this act, or that they shall not be prest men, then out of the place where they were born, or last inhabited by the space of three years, at his or their election.

Pension as-
signed to stand
in force
though the
statutes be
repealed.
35 Eliz. c. 4.
39 Eliz. c. 21.

XVII. Provided always, and be it enacted, That every pension assigned heretofore to any soldier or mariner, or that shall be assigned before the said feast of *Easter* next, notwithstanding the discontinuance of the said two former acts, shall stand in force, and shall yearly from and after the said feast of *Easter* next be satisfied and paid out of such taxations and forfeitures as shall be made, collected and levied by force of this act, so long as the said pension shall remain in force, without such revocation or diminishing, as is before in this act mentioned; (2) which clause of revocation or diminishing before-mentioned shall extend as well to pensions heretofore assigned, as to such as at any time hereafter, before or after the said feast of *Easter*, shall be assigned to any person or persons.

Taxations
made and not
levied.

XVIII. And be it also enacted, That all arrearages of taxations heretofore made by virtue of the said former statutes or any of them, which shall be or remain at the said feast of *Easter* next uncollected and not received or levied, shall and may by authority of this act be had, received and levied by such persons, and in such manner and form, as in every respect taxations made by virtue of this act are appointed to be collected, received and levied, and shall be employed to the uses expressed in this act and no otherwise.

A provision if
the rate be not
sufficient for
the soldiers in
London.

XIX. Provided always, and be it enacted by the authority aforesaid, That if the said rate shall be thought not to be sufficient for the relief of such soldiers and mariners as shall be to be relieved within the city of *London*; that then it shall be lawful for the mayor, recorder and aldermen of *London*, or the more part of them, to rate and tax such reasonable tax, sum and sums of money, for the said relief, as shall be to them thought fit and convenient: so as such sum and sums of money so to be rated do not exceed three shillings weekly out of any parish, and so as in the total, the sum shall not exceed or be under twelve pence weekly out of every parish one with another, within the said city and liberties thereof.

XX. This act to endure to the end of the next session of parliament and no longer. *Continued until the end of the first session of the next parliament by 3 Car. I. c. 4. and farther continued by 16 Car. I. c. 4.*

CAP. IV.

An act to redress the mis-employment of lands, goods and stocks of money heretofore given to certain charitable uses.

WHEREAS lands, tenements, rents, annuities, profits, hereditaments, goods, chattels, money and stocks of money have been heretofore given, limited, appointed and assigned, as well by the Queen's most excellent majesty, and her most noble progenitors, as by sundry other well-disposed persons; some for relief of aged, impotent and poor people, some for maintenance of sick and maimed soldiers and mariners, schools of learning, free schools, and scholars in universities, some for repair of bridges, ports, havens, causeways, churches, sea-banks and highways, some for education and preferment of orphans, some for or towards relief, stock or maintenance for houses of correction, some for marriages of poor maids, some for supportation, aid and help of young tradesmen, handicraftsmen and persons decayed, and others for relief or redemption of prisoners or captives, and for aid or ease of any poor inhabitants concerning payments of fifteens, setting out of soldiers and other taxes; which lands, tenements, rents, annuities, profits, hereditaments, goods, chattels, money and stocks of money, nevertheless have not been employed according to the charitable intent of the givers and founders thereof, by reason of frauds, breaches of trust, and negligence in those that should pay, deliver and employ the same: (2) for redress and remedy whereof, be it enacted by authority of this present parliament, That it shall and may be lawful to and for the lord chancellor or keeper of the great seal of England for the time being, and for the chancellor of the duchy of Lancaster for the time being for lands within the county palatine of Lancaster, from time to time to award commissions under the great seal of England, or the seal of the county palatine, as the case shall require, into all or any part or parts of this realm respectively, according to their several jurisdictions as aforesaid, to the bishop of every several diocese and his chancellor, (in case there shall be any bishop of that diocese, at the time of awarding of the same commissions) and to other persons of good and sound behaviour, (3) authorizing them thereby, or any four or more of them, to enquire, as well by the oaths of twelve lawful men or more of the county, as by all other good and lawful ways and means, of all and singular such gifts, limitations, assignments and appointments aforesaid, and of the abuses, breaches of trusts, negligences, mis-employments, not employing, concealing, defrauding, mis-converting or mis-government of any lands, tenements, rents, annuities, profits, hereditaments, goods, chattels, money or stocks of money, heretofore given, limited, appointed or assigned, or which hereafter shall be given, limited, appointed or assigned, to or for any the charitable and godly uses before rehearsed: (4)

Commissioners authorized to enquire of misemployment of lands or goods given to hospitals, &c. Their orders shall be performed. Inst. 707.

Commissioners to enquire of the gift of lands and goods to charitable uses.

Four commissioners at the least.

Hob. 136.

The enquiry.

and

The commis-
sioners orders.

The commis-
sioners orders
shall be exe-
cuted.

The commis-
sioners orders
altered.

Colleges, halls
in Oxford or
Cambridge,
Westminster,
Eaton, Win-
chester, cath-
edral churches.
x Lev. 284.

City, town,
corporate,
college, hos-
pital, free
school.

Ordinary's
jurisdiction.

None shall be
commissioner
or juror which
hath any part

and after the said commissioners or any four or more of them (upon calling the parties interested in any such lands, tenements, rents, annuities, profits, hereditaments, goods, chattels, money and stocks of money) shall make enquiry by the oaths of twelve men or more of the said county (whereunto the said parties interested shall and may have, and take their lawful challenge and challenges) (5) and upon such enquiry, hearing and examining thereof, set down such orders, judgments and decrees, as the said lands, tenements, rents, annuities, profits, goods, chattels, money and stocks of money, may be duly and faithfully employed, to and for such of the charitable uses and intents before rehearsed respectively, for which they were given, limited, assigned or appointed by the donors and founders thereof: (6) which orders, judgments and decrees, not being contrary or repugnant to the orders, statutes or decrees of the donors or founders, shall by the authority of this present parliament stand firm and good, according to the tenor and purport thereof, and shall be executed accordingly, until the same shall be undone or altered by the lord chancellor of *England* or lord keeper of the great seal of *England*, or the chancellor of the county palatine of *Lancaster*, respectively, within their several jurisdictions, upon complaint by any party grieved to be made to them.

II. Provided always, That neither this act, nor any thing therein contained, shall in any wise extend to any lands, tenements, rents, annuities, profits, goods, chattels, money or stocks of money, given, limited, appointed, or assigned, or which shall be given, limited, appointed or assigned, to any college, hall or house of learning within the universities of *Oxford* or *Cambridge*, or to the colleges of *Westminster*, *Eaton* or *Winchester*, or any of them, or to any cathedral or collegiate church within this realm.

III. And provided also, That neither this act, nor any thing therein, shall extend to any city, to town corporate or to any the lands or tenements given to the uses aforesaid within any such city or town corporate, where there is a special governor or governors appointed to govern or direct such lands, tenements or things disposed to any the uses aforesaid, neither to any college, hospital or free school, which have special visitors or governors, or overseers appointed them by their founders.

IV. Provided also, and be it enacted by the authority aforesaid, That neither this act, nor any thing therein contained, shall be any way prejudicial or hurtful to the jurisdiction or power of the ordinary, but that he may lawfully in every cause execute and perform the same, as though this act had never been had or made.

V. Provided also, and be it enacted, That no person or persons that hath or shall have any of the said lands, tenements, rents, annuities, profits, hereditaments, goods, chattels, money or stocks of money in his hands or possession, or doth or shall pretend

pretend title thereunto, shall be named a commissioner or a juror for any the causes aforesaid, or being named shall execute or serve in the same. of the lands or goods in question.

VI. And provided also, That no person or persons which hath purchased or obtained, or shall purchase or obtain, upon valuable consideration of money or land, any estate or interest of, in, to or out of any lands, tenements, rents, annuities, hereditaments, goods or chattels, that have been or shall be given, limited or appointed to any the charitable uses above mentioned, without fraud or covin, having no notice of the same charitable use, shall not be impeached by any degrees or orders of the commissioners above mentioned, for or concerning the same his estate or interest: (2) and yet nevertheless, be it enacted, That the said commissioners, or any four or more of them, shall and may make decrees and orders for recompence to be made by any person or persons who being put in trust, or having notice of the charitable uses above mentioned, hath or shall break the same trust, or defraud the same uses, by any conveyance, gift, grant, lease, demise, release or conversion whatsoever, and against the heirs, executors and administrators of him, them or any of them, having assets in law or equity, so far as the same assets will extend. *Purchasers of the lands bona fide.* *Recompence by those which break the trust.*

VII. Provided always, That this act shall not extend to give power or authority to any commissioners before mentioned, to make any orders judgments or decrees, for or concerning any manors, lands, tenements or other hereditaments assured, conveyed, granted or come unto the Queen's majesty, to the late King *Henry* the Eighth, King *Edward* the Sixth, or Queen *Mary*, by act of parliament, surrender, exchange, relinquishment, elcheat, attainder, conveyance or otherwise: (2) and yet nevertheless, be it enacted, That if any such manors, lands, tenements or hereditaments or any of them, or any estate, rent or profit thereof, or out of the same or any part thereof, have or hath been given, granted, limited, appointed or assigned to or for any the charitable uses before expressed, at any time sithence the beginning of her Majesty's reign; That then the said commissioners, or any four or more of them, shall and may, as concerning the same lands, tenements, hereditaments, estate, rent or profit so given, limited, appointed or assigned, proceed to enquire, and to make orders, judgments and decrees, according to the purport and meaning of this act, as before is mentioned; the said last mentioned proviso notwithstanding. *Lands assured to King Hen. 8. Ed. 6. Queen Mary and Queen Elizabeth.*

VIII. And be it further enacted, That all orders, judgments and decrees of the said commissioners, or of any four or more of them, shall be certified under the seals of the said commissioners, or any four or more of them, either into the court of the chancery of *England*, or into the court of the chancery within the county palatine of *Lancaster*, as the case shall require respectively, according to their several jurisdictions, within

in such convenient time as shall be limited in the said commissions.

Order for the execution of the commissioners decrees
Cro. Car. 40.

IX. And that the said lord chancellor or lord keeper, and the said chancellor of the duchy, shall and may within their said several jurisdictions, take such order for the due execution of all or any of the said judgments, decrees and orders, as to either of them shall seem fit and convenient.

A remedy for any person grieved by the commissioners decree.

X. And that if after any such certificate or certificates made, any person or persons shall find themselves grieved with any of the said orders, judgments or decrees, That then it shall and may be lawful to and for them or any of them, to complain in that behalf unto the said lord chancellor or lord keeper, or to the chancellor of the said duchy of *Lancaster*, according to their several jurisdictions, for redress therein: (2) and that upon such complaint, the said lord chancellor or lord keeper, or the said chancellor of the duchy, may according to their said several jurisdictions, by such course as to their wisdom shall seem meetest, the circumstances of the case considered, proceed to the examination, hearing and determining thereof; (3) and upon hearing thereof, shall and may annul, diminish, alter or enlarge the said orders, judgments and decrees of the said commissioners, or any four or more of them, as to either of them in their said several jurisdictions shall be thought to stand with equity and good conscience, according to the true intent and meaning of the donors and founders thereof; (4) and shall and may tax and award good costs of suit by their discretions, against such persons as they shall find to complain unto them without just and sufficient cause, of the orders, judgments and decrees before mentioned.

Costs of suit against the complainers.

CAP. V.

An act to prevent perjury, and subornation of perjury, and unnecessary expences in suits of law.

At what time a writ to remove a suit depending in an inferior court shall be delivered to the judge or officer of the same court.

WHEREAS within divers cities and towns corporate, and other places within this realm of England, and the dominions thereof, there are jurisdictions, customs and privileges to hold plea in actions of debt, and other actions, plaints and suits between party and party, and divers of her Majesty's subjects do daily commence many actions, plaints and suits in the said cities, towns corporate and places, according to the jurisdictions, customs and privileges of the said places: (2) and many defendants in actions, plaints and suits there brought and commenced, will suffer the said actions, plaints and suits to be proceeded in and prosecuted there, until the cause between the plaintiffs and them be at issue, and the jury sworn, and evidence given on the plaintiffs part, before the said defendant will deliver into the court where the said actions, plaints or suits are to be tried, writs formerly sued forth by them, to remove the cause there depending, into some one or other of her Majesty's courts of record at Westminster; (3) which keeping back of the said writ, is done by the defendant, to no other purpose or intent, but to put the parties plaintiffs to as great charges and expences as they the said defendants

can

can, and to know what proofs the parties plaintiffs can make for the proving their issue, whereby the defendants that sued forth the said writs, may have longer time to furnish themselves with some false witnesses, to impugn those proofs which the plaintiffs have openly made by their witnesses and proofs, which is a great cause of perjury and subornation of perjury, and great expences to the plaintiffs :

II. For remedy whereof, be it enacted by the Queen's most excellent majesty, the lords spiritual and temporal, and the commons, in this present parliament assembled, and by the authority of the same, That from and after the end of this present session of parliament, no writ or writs of *habeas corpus*, or any other writ or writs sued forth, or to be sued forth, by any person or persons whatsoever, out of any of her Majesty's courts of record at *Westminster*, to remove any action, suit, plaint or cause, depending or to be depending, in any court or courts within any city or town corporate, or elsewhere, which have or shall have jurisdiction, power or authority to hold plea in any action, plaint or suit, shall be received or allowed by the judge or judges, or officer or officers of the court or courts wherein or to whom any such writ or writs shall be delivered (but that he and they shall and may proceed in the said cause and causes ready to be tried, as though no such writ or writs were sued forth or delivered to him or them) except that the said writ or writs be delivered to the judge or judges, officer or officers of the said court, before that the jury which is to try the cause in question between the party or parties plaintiffs, and the party or parties that sued forth the said writ or writs, or for whose benefit the said writ or writs is or shall be sued forth, have appeared, and one of the said jury sworn to try the said cause.

III. Provided always, That this act shall continue no longer than until the end of the next parliament. 3 Car. 1. c. 4. Continued until the end of the first session of the next parliament, and farther continued by 16 Car. 1. c. 4.

C A P. VI.

An act to avoid trifling and frivolous suits in law in her Majesty's courts in Westminster.

FOR avoiding the infinite number of small and trifling suits commenced or prosecuted against sundry her Majesty's good and loving subjects in her Highness's courts at Westminster, (which by the due course of the laws of this realm ought to be determined in inferior courts in the country) to the intolerable vexation and charge of her Highness's subjects; (2) be it enacted by the authority of this present parliament, If any sheriff, under-sheriff or other person, having authority or taking upon him to break writs, after forty days next after the end of this session of parliament, do make any warrant for the summons of any person, as upon any writ, process or suit, or for the arresting or attaching of any person or persons by his or their body or goods to appear in any her Majesty's courts at *Westminster*, or elsewhere, (not

Penalty of a sheriff, &c. arresting or summoning without warrant. No costs for the plaintiff where action is brought for a sum not exceeding forty shillings.

Summoning
or arresting
without war-
rant.

(not having before that the original writ or process warranting the same) That then upon complaint thereof made to the justices of assize of the county where the same offence shall be committed, or to the judges of the court out of which the process issued, not only the party that made such warrant, but all those that were the procurers thereof, shall be sent for before the same judges or justices, by attachments or otherwise, as the same judges or justices shall think good and allow of, and be examined thereof upon their oaths : (3) and if the same offence be confessed by the same offenders, or proved by sufficient witnesses, to the satisfaction of the same judges or justices, That then the same judges or justices that shall so examine the same, shall forthwith by force of this act commit every the same offenders to the gaol of the county or court where the same shall be examined ; (4) there to remain without bail or mainprise, until such time as they amongst them have fully satisfied and paid unto the party grieved by such warrant, not only the sum of ten pounds of lawful *English* money, but also all such costs and damages as the same judges or justices shall set down, that the same party hath sustained thereby, and withal, twenty pounds a-piece for their offence to her Majesty.

No costs shall
be awarded in
a personal ac-
tion brought
for a sum not
amounting to
40 s.

II. And be it further enacted by the authority aforesaid, If upon any action personal to be brought in any her Majesty's courts at *Westminster*, not being for any title or interest of lands, nor concerning the freehold or inheritance of any lands, nor for any battery, it shall appear to the judges for the same court, and so signified or set down by the justices before whom the same shall be tried, that the debt or damages to be recovered therein in the same court, shall not amount to the sum of forty shillings or above, That in every such case the judges and justices before whom any such action shall be pursued, shall not award for costs to the party plaintiff any greater or more costs than the sum of the debt or damages so recovered shall amount unto, but less at their discretions. (2) This act to endure to the end of the first session of the next parliament. 3 Car. 1. c. 4. Continued until the end of the first session of the next parliament, and farther continued by 16 Car. 1. c. 4.

2 Mod. 141.

This clause ex-
tended to the
counties pala-
tine by 1 &
12 W. 3. c. 9.

C A P. VII.

An act to avoid and prevent divers misdemeanors in lewd and idle persons.

Punishment
for cutting of
corn growing,
or of such
other small
offences ; and
of a constable
refusing to pu-
nish such an
offender, be-
ing com-
manded.

FORASMUCH as unlawful cutting or taking away of corn and grain growing, robbing of orchards and gardens, digging up or taking away fruit-trees, breaking of hedges, pales or other fences, cutting or spoiling of woods or under-woods standing and growing, and such like offences, are now more commonly committed by lewd and mean persons than in former times ; and that the said offences are great causes of the maintaining of idleness, and the persons which commit the same, are not for the most part able, nor have wherewith to make recompence or satisfaction ; (2) be it therefore enacted by the authority of this present parliament, That all and every such lewd

lewd person and persons, which from and after the last day of February now next following shall cut, or unlawfully take away, any corn or grain growing, or rob any orchards or gardens, or break or cut any hedge, pales, rails or fence, or dig, pull up, or take up any fruit-tree or trees in any orchard, garden or elsewhere, to the intent to take and carry the same away, or shall cut or spoil any woods or under-woods, poles or trees standing, not being felony by the laws of this realm; (3) and their procurer and procurers, receiver or receivers knowing the same; (4) being thereof lawfully convicted by the confession of the party, or by the testimony of one sufficient witness upon oath before some one justice of peace, mayor, bailiff, or other head officers of the county, city or town corporate; (5) which said justice or other head officer shall have power, by force of this statute, to minister the said oath, where the offence shall be committed, or the party offending apprehended; (6) shall give the party and parties such recompence and satisfaction for his and their damages, and within such time, as by any one such justice of peace of the said county where such offence shall be done, without the liberty of any city or town corporate, or by such head officer or justice of peace within any city or town corporate, shall be ordered and appointed, and the same to be only for the first fault: (7) and if such offender or offenders shall be thought in the discretion of the said justice or justices, or other head officers, not able or sufficient, or do not make recompence or satisfaction for the said damages, in manner and form aforesaid; then the said justice or head officer shall commit all and every the said offender or offenders to some constable or constables, or other inferior officers of the city, borough, town or hamlet, where the offence shall be committed, or the party apprehended, to be whipped; (8) and for every such offence, for or of which the offender or offenders shall be afterwards committed in form aforesaid limited, the person and persons so offending, to receive the said punishment of whipping.

II. And be it enacted by the authority aforesaid, That if any constable or inferior officer do refuse, or do not at the commandment of any justice of peace, or other head officer, execute by himself, or some other to be by him appointed, upon the offender, the punishment limited by this statute; That in that case it shall and may be lawful for the said justice of peace to commit the said constable or other inferior officer so refusing, or not executing the said punishment by himself, or some other, to the common gaol of the said county, city or town corporate, there to remain without bail or mainprize, until the said offender or offenders be by the said constable or constables so refusing or not executing, or some other by his or their procurement, punished and whipped, as is above limited and declared.

III. Provided always, That no justice of peace, or other head officer, do execute this statute for any of the offences aforesaid done unto himself, unless he be associated and assisted with one or more other justices of peace whom the offence doth not concern.

ing com-
manded.
1 Salk. 181.
This enforced
by 15 Car. 2
c. 2. s. 2.

The punish-
ment of a con-
stable refusing
to punish an
offender.

None shall pu-
nish an offence
done unto
himself.

Summoning
or arresting
without war-
rant.

(not having before that the original writ or process warranting the same) That then upon complaint thereof made to the justices of assise of the county where the same offence shall be committed, or to the judges of the court out of which the process issued, not only the party that made such warrant, but all those that were the procurers thereof, shall be sent for before the same judges or justices, by attachments or otherwise, as the same judges or justices shall think good and allow of, and be examined thereof upon their oaths: (3) and if the same offence be confessed by the same offenders, or proved by sufficient witnesses, to the satisfaction of the same judges or justices, That then the same judges or justices that shall so examine the same, shall forthwith by force of this act commit every the same offenders to the gaol of the county or court where the same shall be examined; (4) there to remain without bail or mainprise, until such time as they amongst them have fully satisfied and paid unto the party grieved by such warrant, not only the sum of ten pounds of lawful *English* money, but also all such costs and damages as the same judges or justices shall set down, that the same party hath sustained thereby, and withal, twenty pounds a-piece for their offence to her Majesty.

No costs shall
be awarded in
a personal ac-
tion brought
for a sum not
amounting to
40 s.

2 Mod. 141.

*This clause ex-
tended to the
counties pala-
tine by 11 &
12 W. 3. c. 9.*

II. And be it further enacted by the authority aforesaid, If upon any action personal to be brought in any her Majesty's courts at *Westminster*, not being for any title or interest of lands, nor concerning the freehold or inheritance of any lands, nor for any battery, it shall appear to the judges for the same court, and so signified or set down by the justices before whom the same shall be tried, that the debt or damages to be recovered therein in the same court, shall not amount to the sum of forty shillings or above, That in every such case the judges and justices before whom any such action shall be pursued, shall not award for costs to the party plaintiff any greater or more costs than the sum of the debt or damages so recovered shall amount unto, but less at their discretions. (2) This act to endure to the end of the first session of the next parliament. 3 Car. 1. c. 4. Continued until the end of the first session of the next parliament, and farther continued by 16 Car. 1. c. 4.

CAP. VII.

An act to avoid and prevent divers misdemeanors in lewd and idle persons.

Punishment
for cutting of
corn growing,
or of such
other small
offences; and
of a constable
refusing to pu-
nish such an
offender, be-
ing com-
manded.

FORASMUCH as unlawful cutting or taking away of corn and grain growing, robbing of orchards and gardens, digging up or taking away fruit-trees, breaking of hedges, pales or other fences, cutting or spoiling of woods or under-woods standing and growing, and such like offences, are now more commonly committed by lewd and mean persons than in former times; and that the said offences are great causes of the maintaining of idleness, and the persons which commit the same, are not for the most part able, nor have wherewith to make recompence or satisfaction; (1) be it therefore enacted by the authority of this present parliament, That all and every such lewd

lewd person and persons, which from and after the last day of *February* now next following shall cut, or unlawfully take away, any corn or grain growing, or rob any orchards or gardens, or break or cut any hedge, pales, rails or fence, or dig, pull up, or take up any fruit-tree or trees in any orchard, garden or elsewhere, to the intent to take and carry the same away, or shall cut or spoil any woods or under-woods, poles or trees standing, not being felony by the laws of this realm; (3) and their procurer and procurers, receiver or receivers knowing the same; (4) being thereof lawfully convicted by the confession of the party, or by the testimony of one sufficient witness upon oath before some one justice of peace, mayor, bailiff, or other head officers of the county, city or town corporate; (5) which said justice or other head officer shall have power, by force of this statute, to minister the said oath, where the offence shall be committed, or the party offending apprehended; (6) shall give the party and parties such recompence and satisfaction for his and their damages, and within such time, as by any one such justice of peace of the said county where such offence shall be done, without the liberty of any city or town corporate, or by such head officer or justice of peace within any city or town corporate, shall be ordered and appointed, and the same to be only for the first fault: (7) and if such offender or offenders shall be thought in the discretion of the said justice or justices, or other head officers, not able or sufficient, or do not make recompence or satisfaction for the said damages, in manner and form aforesaid; then the said justice or head officer shall commit all and every the said offender or offenders to some constable or constables, or other inferior officers of the city, borough, town or hamlet, where the offence shall be committed, or the party apprehended, to be whipped; (8) and for every such offence, for or of which the offender or offenders shall be afterwards committed in form afore limited, the person and persons so offending, to receive the said punishment of whipping.

II. And be it enacted by the authority aforesaid, That if any constable or inferior officer do refuse, or do not at the commandment of any justice of peace, or other head officer, execute by himself, or some other to be by him appointed, upon the offender, the punishment limited by this statute; That in that case it shall and may be lawful for the said justice of peace to commit the said constable or other inferior officer so refusing, or not executing the said punishment by himself, or some other, to the common gaol of the said county, city or town corporate, there to remain without bail or mainprise, until the said offender or offenders be by the said constable or constables so refusing or not executing, or some other by his or their procurement, punished and whipped, as is above limited and declared.

III. Provided always, That no justice of peace, or other head officer, do execute this statute for any of the offences aforesaid done unto himself, unless he be associated and assisted with one or more other justices of peace whom the offence doth not concern.

The punishment of a constable refusing to punish an offender.

None shall punish an offence done unto himself.

CAP. VIII.

An act against fraudulent administration of intestates goods.

Fraud practised in taking of administrations to deceive others of their lawful debts.

FORASMUCH as it is often put in ure, to the defrauding of creditors, that such persons as are to have the administration of the goods of others dying intestate committed unto them, if they require it, will not accept the same, but suffer or procure the administration to be granted to some stranger of mean estate, and not of kin to the intestate, from whom themselves or others by their means do take deeds of gifts and authorities by letter of attorney, whereby they obtain the state of the intestate into their hands, and yet stand not subject to pay any debts owing by the same intestate, and so the creditors for lack of knowledge of the place of habitation of the administrator, cannot arrest him nor sue him; and if they fortune to find him out, yet for lack of ability in him to satisfy of his own goods, the value of that he hath conveyed away of the intestate's goods, or released of his debts by way of waiving, the creditors cannot have or recover their just and due debts:

By fraudulent administration of intestates goods, the party shall be charged as executor of his own wrong.

II. Be it enacted by the authority of this present parliament, That every person and persons that hereafter shall obtain, receive and have any goods or debts of any person dying intestate, or a release or other discharge of any debt or duty that belonged to the intestate, upon any fraud, as is aforesaid, or without such valuable consideration as shall amount to the value of the same goods or debts, or near thereabouts, (except it be in or towards satisfaction of some just and principal debt of the value of the same goods or debts to him owing by the intestate at the time of his decease) shall be charged and chargeable as executor of his own wrong; (2) and so far only as all such goods and debts coming to his hands, or whereof he is released or discharged by such administrator, will satisfy, deducting nevertheless to and for himself allowance of all just, due and principal debts upon good consideration, without fraud, owing to him by the intestate at the time of his decease, and of all other payments made by him, which lawful executors or administrators may and ought to have and pay by the laws and statutes of this realm.

Allowance of just debts, and other lawful payments.

CAP. IX.

An act for continuance of divers statutes, and for repeal of some others.

Ships.

21 H. 8. c. 1.

BE it enacted by authority of this present parliament, That an act made in the one and twentieth year of the reign of the late King Henry the Eighth, intituled, *An act for the true making of cables, balfers and ropes*:

Cattle.

24 H. 8. c. 9.

II. And that an act made in the four and twentieth year of the reign of the late King Henry the Eighth, intituled, *An act against killing of young beasts called weanlings*:

Cattle.

3 & 4 Ed. 6. c. 19.

Victual.

3 & 4 Ed. 6. c. 21.

III. And that two acts made in the fourth year of the reign of the late King Edward the Sixth, the one concerning buying and selling of rother beasts and cattle; the other intituled, *An act for the buying and selling of butter and cheese*:

IV. And

IV. And that an act made in the first year of the Queen's Fish.
majesty's reign that now is, intituled, *An act for preservation of* 1 El. c. 17.
spawm and fry of fish :

V. And that an act made in the fifth year of the Queen's ma- Merchants.
jesty's reign that now is, intituled, *An act for avoiding divers* 5 El. c. 7.
reign wares made by handicraftsmen beyond the seas :

VI. And that an act made in the same fifth year of her Ma- Fish.
jesty's reign, intituled, *An act touching certain politick constitutions* 5 Eliz. c. 5.
made for the maintenance of the navy, together with all and every
additions, explanations and alterations made thereunto or there-
of, or of any part thereof, by any statute or statutes made sithence
the making of the same act, and now continuing in force :

VII. And that an act made in the eighth year of the Queen's Games.
majesty's reign that now is, intituled, *An act for bowyers, and the* 8 El. c. 10.
prices of bows :

VIII. And that an act made in the thirteenth year of the Leases.
Queen's majesty's reign that now is, intituled, *An act touching* 13 El. c. 20.
leases of benefices and other ecclesiastical livings with cure, together
with all and every explanations, additions and alterations there-
of, or thereunto made by any other statute or statutes made
sithence the making of the said act, and now continuing in force ;
(2) with this further addition to be enacted by authority of this
present parliament, That all judgments hereafter to be had, for
the intent to have or enjoy any lease contrary to the said statutes,
or any of them, shall be deemed void, in such sort as bonds and
covenants are appointed to be void which are made for that pur-
pose :

IX. And that an act made in the same thirteenth year of her Purveyors.
majesty's reign, intituled, *An act that purveyors may take grain,* 13 Eliz. c. 21.
corn and victuals within five miles of Cambridge and Oxford in certain
cases :

X. And that an act made in the eighteenth year of the Queen's Ways.
majesty's reign, intituled, *An act for the repairing and amending of* 18 El. c. 20.
the bridges and highways near unto the city of Oxford :

XI. And so much of one other act made the same year, inti- Poor.
tuled, *An act for the setting the poor on work, and avoiding of idle-* 18 Eliz. c. 3.
ness, as concerneth bastards begotten out of lawful matrimony :

XII. And that an act made in the three and twentieth year of Merchants.
her Majesty's reign, intituled, *An act for the repairing of Dover* 23 El. c. 6.
haven, with the provisions and alterations thereof made by an
act made in the five and thirtieth year of the Queen's majesty's
reign that now is :

XIII. And that an act made in the seven and twentieth year Franchise.
of her Majesty's reign, intituled, *An act for the good government* 27 Eliz. not
of the city or borough of Westminster : printed.

XIV. And that an act made in the said seven and twentieth Corn.
year of her Majesty's reign, intituled, *An act for the reviving of* 2 & 3 Ed. 6.
a former statute for the true making of malt ; together also with
an act made in the nine and thirtieth year of her Majesty's reign,
intituled, *An act to restrain the excessive making of malt :* 30.
27 Eliz. c. 14.
39 Eliz. c. 16.

XV. And that an act made in the said seven and twentieth Sewers.
year 27 Eliz. c. 24.

year of her Majesty's reign, intituled, *An act for the keeping of the sea-banks and sea-works in the county of Norfolk* :

Measures.

31 Eliz. c. 8.

XVI. And that an act made in the one and thirtieth year of her Majesty's reign, intituled, *An act for the true gaging of vessels brought from beyond the seas, converted by brewers for the utterance and sale of ale and beer* :

Franchise.

31 El. not printed.

XVII. And that an act made in the said one and thirtieth year of her Majesty's reign, intituled, *An act for reviving and enlarging of a statute made in the three and twentieth year of her Majesty's reign, for the relief of the city of Lincoln* :

Pope.

35 Eliz. c. 1.

XVIII. And that three acts made in the five and thirtieth year of her Majesty's reign, one intituled, *An act to retain the Queen's majesty's subjects in their due obedience* ;

Drapery.

35 Eliz. c. 10.

XIX. Another act, intituled, *An act for the reformation of sundry abuses in clothes called Devonshire kersies or dozens, according to a proclamation of the four and thirtieth year of the reign of our sovereign lady the Queen's majesty that now is* ;

Merchants.

35 Eliz. c. 11.

XX. And one other, intituled, *An act for the bringing in of clap-board from the parts of beyond the seas, and the restraining of the transporting of wine-cask, for the sparing and preserving of timber within the realm* :

Husbandry.

39 Eliz. c. 1.

XXI. And that the several acts hereafter mentioned, made in the nine and thirtieth year of her Majesty's reign that now is, (that is to say) an act intituled, *An act against the decaying of towns, and houses of husbandry* ;

Husbandry.

39 Eliz. c. 2.

XXII. An act, intituled, *An act for the maintenance of husbandry and tillage* ; an act, intituled, *An act for the more speedy payment of the Queen's majesty's debts, and for the better explanation of the act made in the thirteenth year of the Queen's majesty's reign, intituled, An act to make the lands, tenements, goods and chattels of sellers, receivers, &c. liable to the payment of their debts* ;

Accountant.

39 Eliz. c. 7.

33 Eliz. c. 4.

Fish.

39 Eliz. c. 19.

23 Eliz. c. 7.

XXIII. An act, intituled, *An act for the increase of mariners, and for maintenance of the navigation, a repealing a former act made in the three and twentieth year of her Majesty's reign, bearing the same title* ;

Apprentice.

39 Eliz. c. 12.

XXIV. And an act, intituled, *An act for explanation of the statute made in the fifth year of her Majesty's reign, concerning labourers* ;

Merchants.

39 Eliz. c. 14.

XXV. An act, intituled, *An act prohibiting the bringing into this realm of foreign cards for wool* ;

Poor.

39 Eliz. c. 17.

XXVI. An act, intituled, *An act against lewd and wandering persons pretending themselves to be soldiers or mariners* ; (2) An act, intituled, *An act for punishment of rogues, vagabonds and sturdy beggars* ;

Poor.

39 Eliz. c. 4.

The before

rehearsed 25

statutes conti-

nued until the

first session of

the next par-

liament.

John Dutton

or Dutton.

XXVII. Except the proviso in the said last mentioned act, concerning *John Dutton of Dutton in the county of Chester, Esq;* (2) shall be continued and remain in force until the end of the first session of the next parliament : (3) and touching the said proviso concerning the said *John Dutton*, be it enacted by the authority of this present parliament, That the same provision shall continue and remain in force to the end of one year next ensuing the first day of this present parliament, and no longer :
except

except before the end of the said year, the said *John Dutton*, or Games.
his heirs, shall procure the lord chief justice of the pleas before ^{1 Jac. 1. c. 7.}
the Queen's highness to be holden, and the lord chief justice of
the common pleas, and the lord chief baron of her Majesty's
court of exchequer, or two of them, upon hearing his allega-
tions and proofs, to make certificate into her Majesty's court of
chancery, That the said *John Dutton*, or his heirs, ought law-
fully (if no statute against rogues or beggars had been made) by
charter, tenure or prescription, to use, have and exercise such
liberty of licencing of minstrels as he claimeth and useth, and
that the said certificate be inrolled in her Majesty's said court of
chancery within the said year: (4) and if he or his heirs shall
procure such certificate as aforesaid, and cause the same to be in-
rolled, as is aforesaid; Then be it enacted also by the authori-
ty of this present parliament, That the same provision shall also
continue in force until the end of the first session of the next
parliament.

XXVIII. And be it further enacted, That an act made in the ^{Poor.}
nine and thirtieth year of the Queen's majesty's reign, intituled, ^{39 Eliz. c. 3.}
An act for the relief of the poor, shall also continue and remain in
force until the end of the first session of the next parliament;
except some new act shall be made in this present session of par- ^{Poor.}
liament concerning the same. ^{43 Eliz. c. 2.}

XXIX. And that two acts made, the one in the five and ^{Poor.}
thirtieth year of the Queen's majesty's reign, intituled; *An act* ^{35 Eliz. c. 4}
for the necessary relief of soldiers and mariners, and the other made
in the nine and thirtieth year of her Majesty's said reign, for the
further explanation and continuance of the same former act, (2) ^{Poor.}
shall also continue and remain in force until the end of the first ^{39 Eliz. c. 21.}
session of the next parliament; except some new act shall be ^{Poor.}
made concerning the same in this present session of parliament. ^{43 Eliz. c. 3.}

XXX. And be it also further enacted by authority of this ^{Poor.}
present parliament, That one act made in the nine and thirtieth ^{39 Eliz. c. 6.}
year of the Queen's majesty's reign that now is, intituled, *An*
act to reform deceits and breaches of trusts, touching lands given to
charitable uses, be from henceforth utterly repealed.

XXXI. And yet nevertheless, be it enacted by the authority ^{Decrees made}
of this present parliament, That so much of the said act as con- ^{by commissio-}
cerneth the execution of orders, judgments and decrees hereto- ^{ners by force}
fore made by commissioners assigned by virtue of the said act, ^{of the statute}
and examination, hearing and determining of the said orders, ^{of 39 Eliz. c. 6.}
judgments and decrees by such commissioners heretofore made, ^{shall continue.}
shall stand and remain in force only as for and concerning such
judgments and decrees, as heretofore have been made by virtue
of the same act, and of commissions thereupon awarded.

XXXII. Provided always, and be it enacted by authority of ^{Husbandry.}
this present parliament, That the said act for maintenance of ^{The statute of}
husbandry and tillage, shall not extend to any lands lying with- ^{39 Eliz. c. 2.}
in the county of *Northumberland*. ^{shall not ex-}
^{tend to lands}

XXXIII. And provided also, and be it enacted by the au- ^{in North-}
thority aforesaid, That so much of the act above-mentioned, in- ^{berland.}

39 Eliz. c. 10. titled, *An act for the increase of mariners and maintenance of the navigation*, repealing a former act made in the three and twentieth year of her Majesty's reign, bearing the same title, as concerneth the repealing and making void of all ordinances of the fishmongers of *London*, or of any other company or corporation whatsoever, made or to be made for restraint of any person to take or sell fish, or to buy or provide any fish of any merchant or other within this realm, or the making or executing of any such ordinance or restraint, shall from henceforth remain discontinued and repealed; the former continuance of the said act in this present act mentioned notwithstanding.

Fifth.

39 Eliz. c. 10.

XXXIV. And yet nevertheless, be it enacted, That no such ordinance or restraint made or to be made shall in any wise extend, or be put in execution, during the continuance of the said former act made in the thirty-ninth year of her Majesty's reign, to restrain any coastmen, fishermen, or any others, subjects or foreigners, for or concerning the taking, bringing in, putting to sale, or buying of any salted fish or herrings, being whole and sweet, upon and under the pains and penalties in the said former act of the nine and thirtieth year of her Majesty's reign contained.

Merchants.
23 Eliz. c. 6.
1 Jac. 1. c. 32.
Dover haven.

XXXV. Provided always, and be it enacted by the authority of this present parliament, That no ship, vessel or crayer, whereof any of her Majesty's subjects shall be owners or part-owners, of the burden of twenty tuns loading and upwards, loading or discharging within this realm, and passing to and from any foreign countries, (other than ships, vessels and crayers, which shall be laden with seacoal or grindstones) shall after the end of this session of parliament, in respect of any such voyage, pay to the reparation of *Dover* haven, but only after the rate of three pence the tun, for the merchandize wherewith such ship, vessel or crayer shall be in such voyage laden, and not after the rate of three pence the tun of the burthen of every such ship, vessel or crayer: (2) and that every ship, vessel or crayer which shall be employed in a voyage of fishing, shall not upon return of such voyage, pay but after the rate of three pence the tun for such oil, train and merchandize, as such ship shall bring home in such voyage, and not any thing for fish, or in respect of the burthen of the same ship, vessel or crayer; the said statute made for the repairing of *Dover* haven, or any other statute touching the same, or any thing in this act contained to the contrary thereof in any wise notwithstanding.

CAP. X.

An act for the true making and working of woollen clothes.

THE Queen's most excellent majesty, with the advice of her Highness's lords spiritual and temporal, and the commons, in this present parliament assembled, weighing and considering the good and godly purposes of divers and sundry statutes heretofore made and ordained for the true making and working of woollen cloth, to be frustrated and deluded by straining, stretching, want of weight, flocks, jollace,

No deceivable thing shall be put in woollen clothes, nor any device to stretch them in length or breadth, and

fellace, chalk, flour, deceitful things, subtil sleights and untruths, so as the same clothes being put in water, are found to shrink, be rewew, pursey, squally, cockling, bandy, light, and notably faulty, to the great dislike of foreign princes, and to the hindrance and loss of the buyer and wearer: (2) for redress thereof, is pleased and willeth it to be enacted, and by the authority of this present parliament it is enacted, That from and after the feast of the purification of the blessed Virgin *Mary* next ensuing, no person or persons shall put any hair, flocks, thrums or yarn made of lambs wool, or other deceivable thing or things, into or upon any broad woollen cloth, half-cloth, kersie, frize, dozen, penistone or cotton, *Taunton* cloth, *Bridgwater*, *Dunster* cotton; (3) (which *Dunster* cotton hereafter shall be by this present act intended and taken to be of like weight, length and breadth as *Taunton* and *Bridgwater* cloth, or other cloth of what nature, kind or name soever, made or to be made to be sold, or offered to be sold; (4) upon pain to forfeit every such cloth, half-cloth, kersie, frize, dozen, penistone and cotton, and other woollen cloth, of what nature, kind or name soever, whereinto or whereupon any such hair, flocks, thrums, yarn of lambs wool, or other deceivable thing or things whatsoever shall be so put; any law, statute, dispensation, allegation or toleration to the contrary thereof in any wise notwithstanding: (5) and upon pain that every person and persons which shall buy, gather or procure any hair, flocks, thrums, yarn of lambs wool or other deceivable thing or things whatsoever, for that intent and purpose, to forfeit the same hair, flocks, thrums, yarn of lambs wool and other deceivable thing or things whatsoever.

The penalty for buying or gathering of deceivable things.

II. And that no person or persons within her Majesty's realm of *England* or the dominions of the same, shall from and after the feast of *Easter* now next ensuing have, use or occupy within any place of her Majesty's said realm or dominions, any tenter, instrument, engine, or other device of what sort or kind soever, with any lower bar, pin, ring or other engine or device of what sort or kind soever, whereby or wherewith any rough and unwrought woollen broad-cloth, half-cloth, kersie, cotton, dozen, penistone, frize, rugg, or any other rough and unwrought woollen cloth, of what nature, kind or name soever they be or shall be of, made or to be made to be so sold, shall or may be stretched or strained in breadth; (2) or shall have, keep or use any manner of wrinch, ring-head, growm, rope or other engine to stretch or strain any rough and unwrought woollen cloth, half-cloth, kersie, cotton, dozen, penistone, frize, rugg, or any other rough and unwrought woollen cloth, of what nature, kind or name soever they be or shall be of in length, made or to be made to be so sold; (3) upon pain that every offender that shall have, keep, use or exercise any such tenter, instrument, engine or device, with a lower bar, pin, ring, engine or device, wrinch, ring-head, growm or rope, of what sort or kind soever, shall forfeit for every such offence twenty pounds; the one half thereof to our sovereign lady the Queen's majesty, and the other half

No device shall be made to stretch cloth unwrought in breadth or length.
5 & 6 Ed. 6.
c. 6.
39 Eliz. c. 20.

No wrought
woolen cloth
shall be
stretched.

to him that will sue for the same, by bill, plaint or information, in any of her Highness courts of record, wherein no trespasse, protection or wager of law shall be allowed.

III. And that no person or persons within her Majesty's realm of *England* or the dominions of the same, from and after the said feast of *Easter* now next ensuing, shall set or cause to be set directly or indirectly, any wrought woolen broad-cloth, half-cloth, kersie, cotton, dozen, penistone, frize, rugg, or any other wrought woolen cloth, of what nature, kind or name soever they be or shall be of, made for sale or offered to be sold, in or upon any tenter, instrument, engine or device, with a lower bar, pin, ring, engine or device, wrinch, ring-head, growm or rope of what sort or kind soever, to stretch or strain the same wrought woolen cloth, half-cloth, kersie, cotton, dozen, penistone, frize, rugg, or any other wrought woolen cloth, of what nature, kind or name soever they be or shall be of; (2) otherwise than the whole wrought woolen broad-cloth one yard in length and one half-quarter in breadth: (3) and the half-cloth one half-yard in length, and one half-quarter in breadth: (4) and the kersie, cotton, dozen, penistone, frize and rugg, one half-yard in length, and one nail in breadth: (5) or shall utter or sell any wrought woolen cloth, half-cloth, kersie, cotton, dozen, penistone, frize, rugg or any other wrought woolen cloth of what nature, kind or name soever they be or shall be of, tentered, strained or stretched otherwise than as aforesaid, in or upon any tenter, instrument, engine or device, with a lower bar, pin, ring, engine or device, wrinch, ring-head, growm or rope, of what sort or kind soever; (6) upon pain to forfeit every such wrought woolen cloth, half-cloth, kersie, cotton, dozen, penistone, frize, rugg and every other wrought woolen cloth, of what nature, kind or name soever they be or shall be of.

None shall sell
woolen cloth
tentered or
stretched.

Woolen
clothes shall
not exceed
the length ap-
pointed by
former sta-
tutes.

IV. And be it further enacted by the authority aforesaid, That no woolen broad cloth, half-cloth, kersie, cotton, dozen, penistone, frize, rugg, nor any other woolen cloth, of what nature, kind or name soever they be or shall be of, shall from and after the said feast of *Easter* now next ensuing, (being well scourged, thicked, milled, and fully dried and made to be sold, or which shall be offered to be sold) exceed the several length or lengths which heretofore is limited and appointed respectively for every such broad woolen cloth, half-cloth, kersie, cotton, dozen, penistone, frize, rugg and other woolen cloth, of what nature, kind or name soever they be of, and ought at this time to be of, by the several statutes therefore limited and appointed; (2) upon pain of forfeiture of every such broad woolen cloth, half-cloth, kersie, cotton, dozen, penistone, frize, rugg and every other woolen cloth, of what nature, kind or name soever.

The weight of
woolen
clothes ap-
pointed by
former sta-
tutes.

V. And that every woolen broad cloth, half-cloth, kersie, cotton, dozen, penistone, frize, rugg and every other woolen cloth, of what nature, kind or name soever they be or shall be of, shall from thenceforth (being well scourged, thicked, milled and fully dried) weigh respectively the true weight which is heretofore

tofore

tofore limited and appointed for every such broad woollen cloth, half-cloth; kersie, cotton, dozen, penistone, frize, rugg and every other woollen cloth, of what nature kind or name soever they be or shall be of, to weigh, and ought at this present time to weigh, by the several statutes therefore limited and appointed; (2) saving that *Taunton* clothes, *Bridgwaters*, and such clothes as shall be made in *Taunton*, *Bridgewater* and other places of like sort and making, and limited to weigh four and thirty pounds at the least, (3) shall and may from henceforth (being well scoured, thicked, milled, wrought and fully dried) weigh only thirty pounds at the least; any former statute or statutes to the contrary thereof in any wise notwithstanding; (4) and saving that *Suffolk*, *Norfolk*, *Essex*, and northern cloth, limited by the several statutes of the fifth year of King *Edward* the Sixth, and the fourth and fifth years of King *Philip* and Queen *Mary* or one of them, to weigh the several weights therein mentioned; shall and may be abated for the workmanship of the whole cloth, four pounds, and for the half-cloth, two pounds in the weight thereof, as the same *Norfolk*, *Suffolk* and *Essex* clothes are allowed by her Highness toleration by proclamation.

The weight of
Taunton and
Bridgewater
cloth.

The weight of
Norfolk, &c.
clothes.
5 & 6 Ed. c. 6.
4 & 5 Ph. & M.
c. 5.

VI. And if it shall happen that any of the said broad woollen clothes, half-clothes, kersies, cottons, dozens, penistones, frizes, ruggs, or any other woollen cloth, of what nature, kind or name soever they be or shall be of, made or to be made to be sold or offered to be sold, shall lack (being well scoured, thicked, milled, wrought and fully dried) of the weight therefore respectively limited, and which ought to be of that weight by this present act, above three pounds in any whole broad woollen cloth; (2) or above one pound and the half of one pound in one half broad-cloth, *Taunton* cloth, *Bridgewater* or other cloth of like sort; (3) or above one pound in one kersie, cotton, dozen, penistone, frize, rugg, (4) or any other woollen cloth respectively of what nature, kind or name soever they be or shall be of; (5) then the offender shall forfeit for one pound wanting more than is aforesaid, ten shillings; and for two pounds, twenty shillings; and for three pounds, forty shillings, and so double the forfeiture for every pound so wanting, unless the party offending by such wanting will yield the same cloth, half-cloth, kersie, cotton, dozen, penistone, frize and rugg so wanting, forfeited; which if he will yield, then the same so wanting shall be forfeited; any former law, statute, or other matter or thing whatsoever to the contrary thereof in any wise notwithstanding.

The forfeit
for want of
weight.

VII. And that one statute made in the nine and thirtieth year of her Highness reign, intituled, *An act against the deceitful stretching and tentering of northern cloth*, as to, for, touching and concerning views, seals, searches, appointment of overseers, penalties, and authority given to justices of assize, justices of peace, head officers of cities, boroughs and towns corporate, and other person and persons, of and for northern clothes in the county of *York*, *Lancaster*, and other the counties on the north of *Trent*, shall

The statute
provided
39 Eliz. c. 20.
for northern
cloth shall ex-
tend to cloth
made in other
counties.

shall from the said feast of *Easter* next ensuing, respectively extend unto all and singular woollen broad clothes, half-clothes, kersies, cottons, dozens, penistones, frizes, ruggs, and all other woollen cloth, of what nature, kind or name soever they be or shall be of, made or to be made within her Highness realm of *England*, to be viewed, sealed, searched, overseen, subjected to penalties, and authority given to justices of assize, justices of peace, and other person and persons, in such and the like manner and form, and to such and the like purposes and intents respectively, as is limited and appointed for such said northern clothes.

Cloth sealed by the overseers shall not be searched or tried again.

VIII. And that every broad woollen cloth, half-cloth, kersie, cotton, dozen, penistone, frize, rugg, and every other woollen cloth, of what nature, kind, or name soever they be or shall be of, sealed by the overseers authorized by this present act, shall not be brought to be viewed, searched and seen, nor shall be searched, tried or watered by any other searcher and overseer of any other city, borough, town, village, parish or hamlet, by virtue of his or their office or offices; any statute, matter or thing to the contrary thereof in any wise notwithstanding.

A repeal of part of the statute hereafter mentioned.

5 & 6 Ed. 6.

c. 6.

4 & 5 Ph. & M.

c. 5.

27 Eliz. c. 17.

IX. And be it further enacted, That the several branches of the several acts of parliament, the first intituled, *An act for the true making of woollen cloth*, in the fifth year of the reign of King *Edward* the Sixth; (2) and the act, intituled, *An act touching the making of woollen clothes*, in the fourth and fifth years of the reign of King *Philip* and Queen *Mary*; (3) and in the act made in the seven and twentieth year of the reign of our said sovereign lady the Queen's majesty that now is, intituled, *An act touching the breadth of white woollen clothes*, made in the counties of *Somerset*, *Wilts*, *Gloucester* and *Oxon*; (4) and in the act made in the five and thirtieth year of the reign of our said sovereign lady the Queen's majesty that now is, intituled, *An act touching the breadth of plunkets, azures and blues, and other coloured clothes made in the county of Somerset, or elsewhere of like making*, (5) for and concerning the exceeding of length of clothes mentioned in the said statute of the fifth year of King *Edward* the Sixth, shall from henceforth be utterly repealed, as concerning only the said over-lengths; (6) and that one other branch made in the said fourth and fifth year of the reign of King *Philip* and Queen *Mary*, touching and concerning certificates of faulty clothes, shall from the said feast of *Easter* next ensuing be likewise repealed, for clothes to be sold after the said feast of *Easter* next ensuing.

35 Eliz. c. 9.
The length of clothes.

Certificate of faulty cloth.

No merchant shall take advantage of a clothier for any defect in cloth.

X. And be it enacted, That no merchant or buyer which shall transport or cause to be transported beyond the seas, any broad woollen cloth, half cloth, kersie, cotton, dozen, penistone, frize, rugg, or any other woollen cloth, of what nature, kind or name soever they be or shall be of, by reason of any clothiers or sellers of any broad woollen cloth, half-cloth, kersie, cotton, dozen, penistone, frize, rugg or any other woollen cloth, of what nature, kind or name soever they be or shall be of, so trans-

transported, his hand to such merchant or buyer's book, bill or ticket, for or touching any defects, shall take any benefit or advantage.

XI. And be it further enacted, That all and every article, clause and sentence in any act of parliament heretofore made, touching or concerning the said abuses in this act mentioned, and being repugnant and contrariant to any article or sentence in this act, shall from the said feast of *Easter* now next ensuing be utterly void and of none effect. All acts contrary to this repealed.

XII. And be it further enacted, That such as shall offend after the said feast of *Easter* against the said act in the nine and thirtieth year of her Highness reign, observing and performing this present act, shall not incur any penalty mentioned in the said act of the said nine and thirtieth year: (2) the moiety of all which forfeitures (not otherwise by this present act appointed) shall be to the searchers and overseers that shall and will find the same, and in his and their default, to him that shall find the same, and the other half to the poor of the parish where the offence shall be committed. 39 Eliz. c. 20. The forfeiture, to whose use employed.

XIII. Provided always, That this act, nor any thing therein contained, shall not extend to take away or abridge from any lawful aulneger, any power or right already given unto him by her Majesty's letters patents, for the viewing, searching or seizing of any clothes put to sale contrary to the laws heretofore made in that behalf. (2) This act to continue till the end of the next session of the next parliament, and no longer. The aulneger's authority.

XIV. Provided also nevertheless, That if any unwrought cloth, half-cloth, kerseie, cotton, dozen, penistone, frize, rugg, or any other unwrought woollen cloth, of what nature, kind or name soever they be or shall be of, transported after the said feast of *Easter* next, beyond the seas, shall be found to have been formerly tentered, strained and stretched by the means or consent of the maker or seller thereof, contrary to the true intent of this present act; That then such merchant or buyer shall or may, at his own costs and charges, return the same into this realm; and after such return deliver or cause the same to be delivered unto the maker or seller thereof, with the seals thereunto limited by this present act to be fixed, and thereupon shall or may recover the value thereof so returned, by action of debt, bill, plaint or information, in any of her Highness courts of record, against the maker or seller thereof, by whose means or consent the same was so tentered, strained or stretched. Unwrought cloth tentered, transported and returned.

3 Car. 1. c. 4. Continued unto the end of the first session of the next parliament, and farther continued by 16 Car. 1. c. 4.

CAP. XI.

An act for the recovering of many hundred thousand acres of marshes, and other grounds subject commonly to surrounding, within the isle of Ely and the counties of Cambridge, Huntington, Northampton, Lincoln, Norfolk, Suffolk, Suffex, Essex, Kent, and the county palatine of Durham.

Approve-
ment may be
made between
lords and
commoners of
great marshes
in several
counties, and
the persons
undertaking
to keep them
perpetually
dry, &c.

WHEREAS it is apparent to such as have travelled in the execution of commissions of sewers in the isle and counties aforesaid, that the wastes, commons, marshes and fenny grounds there subject to surrounding, may be recovered by skilful and able undertakers, whereby great and inestimable benefit would arise to her Majesty, her heirs and successors, disburdening her Highness of many chargeable banks and works of sewers within those surrounded grounds, as the increase of many able subjects, by habitations being there erected, and in like sort profitable unto many her Highness subjects, both bodies politick as corporate, who have estate of inheritance, and other interest within the same: (2) and for that the draining and making dry and profitable of those surrounded grounds is chiefly hindered, for that the greater part of them are wastes and commons subject yearly to surrounding, wherein divers have common by prescription, by reason of their resiancy and inhabitancy, which kind of commons, nor their interest therein, can by the common law be extinguished, or granted to bind others which should inhabit there afterwards; (3) and in that also it appeareth, that the commoners in respect of their poverty are unable to pay the great charges to such as should undertake the recovery of the same:

A bargain be-
tween the
lords and
commoners in
wastes, and
the under-
takers.

II. It may please your Majesty, That by your Highness, and the lords spiritual and temporal, and the commons, in this present parliament assembled, and the authority of the same, It may be enacted, That the lord or lords, as well bodies politick or corporate, as any other person or persons whatsoever, of all and every the wastes and commons aforesaid, and the most of the commoners for the particular commons, and likewise the owners, and such as have or shall have interest in any several surrounded grounds lying within or near the same, may contract or bargain for part of such commons, wastes and severals aforesaid, with such person and persons which will undertake the draining and keeping dry perpetually the severals, wastes and commons of that quality: (2) which contract and bargain, and conveyances thereupon made, shall be good and available in law to all constructions and purposes, against the said lords of the said soil, and owners of several, and their heirs, successors and assigns, and all the commoners, and such as shall or might have common or interest there afterwards, according to the contracts, covenants, provisions and agreements in those conveyances to be specified, and for so much of such commons, wastes or severals, as shall be so contracted or conveyed, to hold and enjoy in severalty to such person and persons, his or their assignee or assignees, as shall or have undertaken the same, in such manner and form as his or their estates and interest are or shall be,

by

by or upon such contracts or agreements, by such conveyances limited and appointed.

III. Provided notwithstanding, and be it enacted by the authority aforesaid, That in all cases where your Highness, your heirs and successors, is or shall be lord or owner of the freehold of the soil of such wastes or commons, or any part of the same, That the most part of the commoners in such your Highness soil shall or may contract, bargain, assign, and set forth, as is aforesaid, part of their common therein, to any person or persons which will undertake the draining of that whole common, (according as the lords and the most part of the commoners in the surrounded wastes and commons aforesaid of bodies politick or corporate may do as is before declared;) (2) which shall bind, and be good and available against all the said commoners, their heirs, executors or assigns, and all others that shall hereafter by reason of any their resiancy, claim any common of pasture in the said wastes or common grounds whereof the soil doth or shall pertain to your Majesty, of and for all their interest or claim of common therein, to hold according to the true intent and effect of such contract, bargain, assignment and conveyances, by writing indented, sealed and delivered by the most part of such commoners and such undertakers; (3) but shall not in any sort be of any effect or validity against your Highness, your heirs, successors or assigns, or their estate or estates, in or to the soil thereof, except such conveyances be by writing indented in parchment, and one part thereof under the hands and seals of most part of the commoners so contracting the same, certified into your Highness high court of chancery, if the wastes or soils shall be of the possessions of your Highness crown of England: (4) and except your Majesty's royal consent be obtained thereunto, and signified by and under your Highness privy seal or great seal, and inrolled in your Highness said court of chancery, and after such assent so had, signified and inrolled, then the same contracts and covenants shall be good and available to all and every such undertakers, their heirs and assigns, against your Highness, your heirs and successors, according to the provisions, agreements and covenants so assented unto by your Highness, your heirs and successors: (5) and where they are of the possession of the duchy of *Lancaster*, then the said contract, bargain, assignment, of or from your Highness, shall not be of any effect or validity against your Highness, your heirs, successors and assigns, except such contract and bargain touching the premises, and such assignment and setting forth of such part to the said undertakers to hold in severalty, be by writing indented in parchment, sealed and delivered by the said commoners or the most part of them, and the said undertakers, and one part thereof certified under the hands and seals of most part of the commoners, into your Highness court of the duchy of *Lancaster* for the time being, and your Majesty's royal consent, under the seal of the said duchy obtained thereunto,

Where the Queen is owner of the soil of the waste or common, or of part thereof.

The Queen's assent under the privy or great seal, and inrolled in chancery.

The Queen owner of the wastes, being duchy land.

unto, and there inrolled in that court: (6) which consent royal being obtained for the soil of such waste, being of the possessions of the crown, and under the seal of the said duchy, of your Highness soil of such wastes as are of those possessions, the said undertakers, and their heirs and assigns; shall and may enjoy in severalty the soil of so much waste and common as was so contracted for, assigned and set forth by the most part of your Highness commoners, in such sort and quality as the said undertakers shall hold and enjoy the interest of common, to all intents and purposes.

This statute shall extend but to so much common as shall be contracted for.

This assignment shall hinder no man's liberty.

IV. Provided always, and be it enacted, That this act, nor any thing therein contained, shall not extend to the impairing, diminishing, letting, taking away or extinguishing of the interest of the commoners or any of them, or of the lords or owners of the soil, of, in or to any part of the residue of the wastes or commons, which is not or shall not be so set forth or assigned to the undertakers: (2) nor to any franchises, or liberties, or waif, stray, leet, lawday, nor other liberties to be used or taken in the part so to the said undertakers assigned; (3) but that as well the commoners, and lords and owners of that soil, shall and may enjoy their commons in the residue thereof, and the Queen's majesty, her heirs and successors, and the lords and owners shall and may have and enjoy such liberties and franchises in such their part as heretofore was lawfully used, and as they or any of them should or might have done, if this act or such contract, bargain and assignment had never been; any thing in this statute contained to the contrary notwithstanding.

Not prejudicial to the ports or havens.

V. Provided always, and be it enacted, That this act, nor any thing therein contained, shall not extend either to any bargain, sale, agreement, grant, conveyance or assurance, or to the inning, draining or laying dry of any commons, marshes or furrounded grounds, whereby or by means whereof any of the havens or ports of this realm of England may be in any sort annoyed, impaired or hindred; nor to any grounds within eight miles of Yarmouth, or six miles of Lynn within the county of Norfolk. 4 Jac. I. c. 8.

1 Saund. 346.

C A P. XII.

An act concerning matters of assurances used among merchants.

The benefits ensuing by the encouragement of merchants.

3 Inst. 165.
Stiles 166.

WHEREAS it ever hath been the policy of this realm by all good means to comfort and encourage the merchant, thereby to advance and increase the general wealth of the realm, her Majesty's customs, and the strength of shipping; which consideration is now the more requisite, because trade and traffick is not at this present so open as at other times it hath been: (2) and whereas it hath been time out of mind an usage amongst merchants, both of this realm and of foreign nations, when they make any great adventure, (especially into remote parts) to give some consideration of money to other persons (which commonly are in no small number) to have from them assurance made of their goods, merchandizes, ships and things adventured,

or some part thereof, at such rates and in such sort as the parties assurers and the parties assured can agree, which course of dealing is commonly termed a policy of assurance; (3) by means of which policies of assurance it cometh to pass, upon the loss or perishing of any ship, there followeth not the undoing of any man, but the loss lighteth rather easily upon many than heavily upon few, and rather upon them that adventure not than those that do adventure, whereby all merchants, especially of the younger sort, are allured to venture more willingly and more freely: (4) and whereas heretofore such assurers have used to stand so justly and precisely upon their credits, as few or no controversies have arisen thereupon, and if any have grown, the same have from time to time been ended and ordered by certain grave and discreet merchants appointed by the lord mayor of the city of London, as men by reason of their experience fittest to understand, and speedily to decide those causes, until of late years that divers persons have withdrawn themselves from that arbitrary course, and have sought to draw the parties assured to seek their monies of every several assurer, by suits commenced in her Majesty's courts, to their great charges and delays: (5) for remedy whereof, be it enacted by the authority of this present parliament, That it shall and may be lawful for the lord chancellor, or lord keeper of the great seal of England, for the time being, to award forth under the great seal of England, one general or standing commission, to be renewed yearly at the least, and otherwise so oft as unto the said lord chancellor or lord keeper shall seem good, for the hearing and determining of causes arising and policies of assurances, such as now are or hereafter shall be entered within the office of assurances within the city of London, and whereof no suit shall be depending the last day of this session of parliament, in any of her Majesty's courts: (6) which commission shall be directed to the judge of the admiralty for the time being, the recorder of London for the time being, two doctors of the civil law, and two common lawyers, and eight grave and discreet merchants, or to any five of them: (7) which commissioners, or the greater part of them, which shall sit and meet, shall have by virtue of this present act full power and authority to hear, examine, order and decree all and every such cause and causes concerning policies of assurances in a brief and summary course, as to their discretion shall seem meet, without formalities of pleadings or proceedings.

A policy of assurance, and the benefit coming thereby.

Commissions awarded to hear and determine touching policies of assurances.

Who shall be commissioners.

1 Show. 396.

II. And be it further enacted by the authority aforesaid, That it shall be lawful for the said commissioners, as well to warn any of the parties to come before them, as also to examine upon oath any witness that shall be produced, and to commit to prison without bail or mainprize, any person that shall wilfully contemn or disobey their final orders or decrees: (2) and that the said commissioners shall once every week at the least, meet and sit upon the execution of the said commission in the office of the assurances, or in some other convenient public place by them to be assigned: (3) and that no person by virtue of this act may claim or exact any fee, for any matter

The commissioners authority.

matter or cause concerning the execution of the said commission.

A remedy for the party grieved by the commissioners decree.

III. And be it further enacted by the authority aforesaid, That if any person shall be grieved by sentence or decree of the said commissioners, that such persons so grieved may at any time within two months of the said decree so made, exhibit his bill into the high court of chancery for the re-examination of such decree; (2) so as every person complainant, before he shall exhibit any such bill, do either execute and satisfy the said sentence so awarded, or at the least lay down *in deposito* with the said commissioners such sums of money as he shall be awarded to pay, and that upon so doing the said complainant shall be enlarged of his imprisonment: (3) and that the lord chancellor, or lord keeper, for the time being, shall have full power and authority by virtue of this act, upon every complaint made (in order as aforesaid) to reverse or affirm every such sentence or decree, according to equity and conscience: (4) and that the said lord chancellor or lord keeper, in every such suit brought before him, as aforesaid, by such assurers, and decreed against the said assurers, shall award double costs to the party assured.

No assurer or assured shall meddle in the commission. Every commissioner may act having taken an oath before the lord mayor. 13 & 14 Car. 2. c. 23. f. 2.

IV. Provided nevertheless, That no commissioner shall intermeddle in the execution of any such commission in any cause or matter of assurance where himself shall be either a party assurer or assured in the same assurance which is brought in question: (2) nor that any commissioner (other than the said judge of the admiralty and the recorder of *London*) shall deal or proceed in the execution of any such commission before he have taken his corporal oath before the lord mayor and court of aldermen of the city of *London*, to proceed uprightly and indifferently between party and party.

CAP. XIII.

An act for the more peaceable government of the parts of Cumberland, Northumberland, Westmorland, and the bishoprick of Duresme.

FORASMUCH as now of late years very many of her Majesty's subjects dwelling and inhabiting within the counties of Cumberland, Northumberland, Westmorland, and the bishoprick of Duresme, have been taken, some forth of their own houses, and some in travelling by the highway, or otherwise, and carried out of the same counties, or to some other places within some of the said several counties, as prisoners, and kept barbarously and cruelly until they have been redeemed by great ransoms: (2) and where now of late time there have been many incursions, roads, robberies, and burning and spoiling of towns, villages and houses within the said counties, that divers and sundry of her Majesty's loving subjects within the said counties, and the inhabitants of divers towns there, have been forced to pay a certain rate of money, corn, cattle or other consideration, commonly there called by the name of black-mail, unto divers and sundry inhabiting upon or near

Several outrageous misdemeanors committed in Cumberland, &c.

near the borders, being men of name, and friended and allied with divers in those parts, who are commonly known to be great robbers and spoil-takers within the said counties, to the end thereby to be by them freed, protected and kept in safety from the danger of such as do usually rob and steal in those parts: (3) by reason whereof, many of the inhabitants thereabouts being her Majesty's tenants, or other good subjects, are much impoverished, and theft and robbery much increased, and the maintainers thereof greatly encouraged, and the service of those borders and frontiers much weakened and decayed, and divers towns thereabouts much dispeopled and laid waste, and her Majesty's own revenue greatly diminished: (4) which heinous and outrageous misdemeanors there cannot so well by the ordinary officers of her Majesty in those parts be speedily prevented or suppressed, without further provision of law:

II. For remedy whereof, be it enacted by the authority of this present parliament, That whosoever shall at any time hereafter, without good and lawful warrant and authority, take any of her Majesty's subjects against his or their will or wills, and carry them out of the same counties, or to any other place within any of the said counties, or detain, force or imprison him or them as prisoners, or against his or their wills to ransom them, or to make a prey or spoil of his or their person or goods, upon deadly feud or otherwise: (2) or whosoever shall be privy, consenting, aiding or assisting unto any such taking, detaining or carrying away, or procure the taking, detaining or carrying away, of any such person or persons prisoners, as aforesaid: (3) or whosoever shall take, receive or carry, to the use of himself, or wittingly to the use of any other, any money, corn, cattle or other consideration, commonly called *black-mail*, for the protecting or defending of him or them, or his or their lands, tenements, goods or chattels, from such thefts, spoils and robberies, as is aforesaid: (4) or whosoever shall give any such money, corn, cattle or other consideration, called *black-mail*, for such protection as is aforesaid: (5) or shall wilfully and of malice burn or cause to be burned, or aid, procure or consent to the burning of any barn or stack of corn or grain, within any the said counties or places aforesaid; (6) and shall be of the said several offences, or any of them indicted, and lawfully convicted, or shall stand mute, or shall challenge peremptorily above the number of twenty before the justices of assizes, justices of gaol-delivery, justices of oyer and terminer, or justices of peace within any of the said counties, at some of their general sessions within some of the said counties to be holden; shall be reputed, adjudged and taken to be as felons, (7) and shall suffer pains of death, without any benefit of clergy, sanctuary or abjuration, and shall forfeit as in case of felony.

Carrying away or detaining any person against his will.

Assenting or aiding to the taking or detaining of any person.

Receiving or carrying of black-mail.

Giving of black-mail for protection.

Burning of barns or stacks of corn.

The aforesaid offences shall be felony without clergy, &c.
3 Inst. 66, 67.

III. And where divers and sundry persons within the said counties, being indicted and outlawed for murders, robberies, burglaries or other felonies, do notwithstanding ordinarily resort and come to markets, fairs and other publick assemblies and meetings, and do there

controverse, traffick and trade with other her Majesty's subjects, and are entertained, and have the privilege as men obedient to laws, and yet do never yield themselves to trial of law, nor are apprehended; whereby the ordinary proceeding of law, and execution of justice in those parts are grown now into very great contempt:

The names of all outlaws shall be declared to the sheriff.

Proclamation of the outlaws.

IV. Be it therefore likewise further enacted, That every clerk of the peace within every of the said counties shall within the space of two months next after any outlawry within any of the said counties, deliver or cause to be delivered by writing under his hand, the names of all and every such as are or shall be hereafter outlawed within their several counties, to all and every the sheriffs of the said several counties: (2) and all and every the said sheriffs shall proclaim and publish them to be outlawed in their several county-courts, and in the city of Carlile, the towns of Penreth and Cockermouth in the county of Cumberland, and in the towns of Appulby and Kendal in the county of Westmorland, and in the town of Newcastle upon Tyne in the county of the town of Newcastle upon Tyne, and in the towns of Morpeth, Alnewick and Hexam in the county of Northumberland, and in the city of Duresme, and towns of Darlington, Bishop-Awcland and Bernard-castle within the bishoprick of Duresme, and in the town of Berwick upon Tweed; (3) and that the said sheriffs having notice, as aforesaid, shall from time to time, once in the month at their county-court, proclaim every of the said persons so outlawed, or hereafter to be outlawed, until they shall yield their bodies to prison: (4) and likewise that the mayors, bailiffs, aldermen, and other chief officers, within the said several cities and towns, shall proclaim the like at every fair or fairs to be kept within the said cities or towns, and once every six weeks at their markets.

The punishment for relieving or conferring with an outlaw for felony.

V. And be it also enacted, That if any person or persons inhabiting within any the said several counties shall wittingly and willingly have conference, talk, or in any sort shall relieve, entertain or confer with any such person or persons so outlawed, or hereafter to be outlawed, for any such murders, robberies, burglaries or other felonies, having knowledge of the same outlawries, by reason of the same proclamation or otherwise, and then shall not with convenient speed do his best endeavour to take and arrest any such person or persons so outlawed, or to be outlawed as is aforesaid, shall suffer imprisonment by the space of six months, without bail or mainprize, and be bound with two sufficient sureties for his good behaviour for the space of one year after, before he be enlarged of his imprisonment.

The enquiry and punishment of the offenders.

VI. And be it further enacted, That the justices of assize within any of the said counties, justices of gaol-delivery, justices of oyer and terminer, or justices of peace within any of the said counties, at any of their general sessions, shall have power and authority by virtue of this act, to enquire, hear and determine of the offences and defaults of the said sheriffs, mayors,

mayors, bailiffs, aldermen and other officers, and of the clerks of the peace within the said counties, and proceed against them by information or indictment, and punish them by fine, imprisonment or otherwise, as they shall think fit.

VII. Provided always, That this act, not any thing therein contained, shall not extend to abridge or impeach the jurisdiction or authority of any the lords wardens of any the marches of England, for and anent Scotland; any thing in this present act to the contrary notwithstanding.

C A P. XIV.

An act concerning the assizes of fewel.

WHEREAS in the parliament holden at Westminster in the seventh year of King Edward the Sixth, one act was made touching the assized talwood, billets and faggots to be spent in London and Westminster, the which assizes were very meet and convenient should be kept in all places through this realm, where such talwood, billets and faggots are used to be spent: (2) nevertheless, the forfeiture contained in the said statute for every shide of talwood, billet and faggot, lacking the assize, being put to sale, is three shillings and four pence; which penalty is over-heavy and extreme, considering the same dependeth upon the fault of poor labouring men, which do cut, mark and make the same many times without the knowledge or consent of the seller: (3) for remedy whereof, be it enacted by the authority of this present parliament, That so much of the said statute as concerneth the forfeiture of three shillings four pence for every shide of talwood, billet or faggot, lacking the assize contained therein, shall from henceforth be void and of none effect; (4) and yet the assize for the said talwood, billet and faggots, shall still continue in force, not only for London and Westminster, but also in all other cities, boroughs and towns corporate of this realm, where such talwood, billet and faggots are accustomed to be sold.

The penalty of the statute of 7 Ed. 6. c. 7. for the assize of fewel, repealed, and another forfeiture assigned, &c. A repeal of the forfeiture of 3 s. 4 d. limited by the stat. of 7 Ed. 6. c. 7. The assize of talwood, billet and faggot, limited by stat. of 7 Ed. 6. c. 7. shall continue. 9 Ann. c. 15.

II. And be it further enacted, That if any person or persons shall after the first day of May now next ensuing bring any talwood, billet or faggot, to any city, borough or town corporate within this realm, there to be sold, or being brought, shall put the same to sale, neither being of the assize mentioned in the said statute made in the seventh year of King Edward the Sixth, or agreeing with the measures hereafter in this act limited; that then upon information thereof given to the mayor, bailiff, or other head officer of the said city, borough or town corporate, they shall have power and authority to call before them six good and lawful men of the said city, borough or town corporate, and shall swear them upon their corporal oaths, truly to enquire and present, whether all or any part of the said talwood, billets or faggots be of good and sufficient assize, according to the said statute, and the limitation of assize herein contained, or not: (2) and if they shall present upon their oaths, that any of the same

Six charged to enquire of the defaults of talwood, &c.

The forfeiture
shall be distributed to the
poor.

talwood, billets or faggots be not of such good and sufficient affize, as abovesaid, that then the said mayor, bailiffs and other head officers of the said cities, boroughs and towns corporate, by force of this act, upon their presentment, shall and may take such of the same talwood, billets and faggots as be false sized, as forfeited, (3) and shall deliver the same unto some overseers for the poor in the said cities, boroughs and towns corporate, to be by them given and distributed to the poor there, according to their discretions, from time to time, as often as such offences shall be presented in manner and form abovesaid.

III. *And whereas in the said former statute it was enacted and limited, That every talshide shall contain in length four foot besides the carff; (2) and every talshide named one, should contain in greatness within one foot of the midst, sixteen inches about; (3) and every talshide named of two, to contain in greatness within a foot of the midst, twenty and three inches about; (4) and every talshide named of three, to contain in greatness within one foot to the midst, twenty and eight inches about; (5) and every talshide named of four, to contain in greatness within one foot of the midst, thirty-three inches about; (6) and every talshide named of five, to contain in greatness within one foot of the midst, thirty-eight inches about; (7) and every billet to contain in length three foot four inches; and every billet named a single, to contain seven inches and an half about; (8) and every billet named to be a cast, to contain ten inches about; (9) and every billet named of two cast, to contain fourteen inches about; (10) and every faggot, bend or stick, to contain in length three foot; (11) and the bond of every such faggot to be of four and twenty inches about, besides the knot: (12) in which act it was further enacted, That all billets of two cast should be marked within six inches of the midst thereof; (13) and every billet of one cast to be marked only within four inches of the end thereof; as in the said act of parliament, amongst divers other clauses, articles and provisions doth and may appear: (14) and whereas divers evil-disposed persons, evading from the true intent, good meaning and purpose of the said act of parliament, have cunningly devised, by cleaving of wood made or to be marked for talwood or billet, and by stopping of faggots with short sticks about the midst thereof, so to deceive and abuse the subjects of this realm, as many times they sell the one half or little more for the whole, and yet so cunningly carried, that by the strict letter of the said statute they cannot be controlled, by reason the said statute useth only the word (about) and wanteth the word (round): (15) and whereas by the true intent of the said statute, every bend of faggot should be three foot, and the bond besides the knot four and twenty inches, the said evil-disposed people do not only make the said bends or faggot-sticks much shorter, but if any chance to be of sufficient length, then only one or two of these shall be put in a faggot, and the bond filled up with short sticks or bands scarce one foot long, to the great damage and deceit of her Majesty's subjects buying the same:*

IV. *For avoiding of all which deceits for ever hereafter, and to*

Several deceit-
ful practices
to defraud
the true mean-
ing of the sta-
tute of 7 Ed.
6. c. 7.

avoid all scruple, ambiguity or doubt hereafter to be made of the said statute, or the true meaning thereof, and for that it must needs be permitted to cleave great trees into talwood or billet, for conveniency of use: (2) be it therefore (for explanation of the true intent

of the said statute) enacted by authority of this present parliament, That from and after the first day of *May* now next coming, every talshide marked of one, being round-bodied, shall contain sixteen inches of assize in compass; being of half-round, nineteen inches of assize about; being quarter-cleft, eighteen inches and a half of assize about: (3) and that every talshide marked two, being round-bodied, shall contain in compass three and twenty inches of assize about; being half-round, seven and twenty inches of assize about; being of quarter-cleft, six and twenty inches of assize about: (4) and that every talshide mark'd three, shall contain in compass about (being round) eight and twenty inches of assize; being half-round, to contain in compass three and thirty inches of assize; being of quarter-cleft, two and thirty inches of assize about: (5) and every talshide marked four, to contain in compass, being round, three and thirty inches of assize; being half-round, nine and thirty inches of assize about; being of quarter-cleft, eight and thirty inches of assize about: (6) and every talshide marked five, shall contain in compass, being round, eight and thirty inches of assize about, and being half-round, four and forty inches of assize about, and being quarter-cleft, three and forty inches of assize about: (7) all which to be measured about within six inches of the midst thereof, and to contain the length limited by the said statute: (8) and in all other forms and manner of cleaving of wood to be hereafter marked and sold for talwood, which will not admit the former forms or manner of cleaving, nor any of these, to observe the letter of the said statute of *Anno 7 Ed. 6. c. 7.*

The compass
of talshides
marked.

V. And for the better understanding of the intent of this statute, be it enacted by the authority aforesaid, That in every one of these forms, the surplusage of compass that shall happen between any two next measures, being above the one, and under the other, in every kind, shall be deemed, allowed and taken to be for and to the benefit of the buyer, and not otherwise to be computable.

VI. And be it further enacted by the authority aforesaid, That every billet named a single, shall contain in compass, being round-bodied, seven inches and an half of assize, and no singles to be made or marked out of cleft-wood: (2) and every billet marked one, commonly called a cast, to contain in compass about, eleven inches of assize, being round; and being half-round, to contain in compass thirteen inches of assize about; and being quarter-cleft, to contain in compass about, twelve inches and an half: (3) and every billet marked two, commonly called two cast, to contain in compass about, being round, sixteen inches of assize; and being half-

The compass
of billets.

*Altered and
made more
effectual by*

9 Annæ, c. 15.

take the acknowledgment of a fine.

mayor of the said city for the time being, shall for ever hereafter have full power and authority to award and send forth such like writ or writs, process or precepts of *De dimis Potestatem* as is aforesaid, to any two or more sufficient persons, authorizing them or some of them, to receive and take the acknowledgment of such person or persons as shall be willing to levy such fine or fines, and by reason of sickness, or other reasonable impediment, cannot come in person before the said mayor for the time being, to make such acknowledgment: (2) and that all and every such fine and fines, as upon any such acknowledgment made and certified into the said court of *Portmoot* shall be hereafter engrossed, recorded and proclaimed in such manner and form as is formerly limited and appointed, before the mayor of the said city for the time being, in the said court of *Portmoot*, shall be of like force and effect to all intents, constructions and purposes, as if the same fine or fines had been personally acknowledged before the said mayor, and engrossed, recorded and proclaimed in such manner and form as in and by this present act is formerly limited, appointed, expressed and declared.

Where a fine levied in Chester may be reversed by writ of error.

VI. Provided always, and be it enacted, That fines to be levied by virtue of this act shall be subject to be reversed and may be reversed upon writs of error to be sued and prosecuted before the said high justice of the said county palatine of *Chester*, as other judgments given by the said mayor in the said *Portmoot*-court may be, and have used to be, if there shall be found error in the same fine or fines.

CAP. XVI.

The county of Cumberland shall stand chargeable for the erecting, maintaining, repairing and new making of Edon-bridge and Prestbeck-bridge, standing over the river of Edon, when and as often as need shall require: and for the assessment, rating, collection and employing of such works and sums of money as from time to time shall be needful for the building and repairing of those bridges, such form and order shall be observed in all things, by and through the said county, as is appointed by the statute of 22 H. 8. c. 5. for the repair of bridges: but the inhabitants of the lordship of Milham shall not be chargeable with any contribution thereunto.

CAP. XVII.

A confirmation of four subsidies of four shillings in the pound, granted to the Queen by the clergy. EXP.

CAP. XVIII.

A grant by the temporality to the Queen of four entire subsidies, and eight fifteens and tenths. EXP.

CAP. XIX.

A confirmation by the parliament of the Queen's general and free pardon: except, &c. EXP.

*Anno Regni JACOBI Regis Angliæ, Scotiæ,
Franciæ & Hiberniæ,*

VIZ.

Angliæ, Franciæ & Hiberniæ secundo [vulgo primo,] & Scotiæ tricesimo septimo.

At the parliament begun and holden at Westminster the nineteenth day of March in the first year of the reign of our most gracious sovereign lord James, by the Grace of God, of England, France and Ireland King, defender of the faith, &c. and of Scotland the seven and thirtieth, and there continued until the seventh day of July one thousand six hundred four, and then prorogued until the seventh of February next following: to the high pleasure of Almighty God, and the weal publick of this realm, were enacted as followeth.

CAP. I.

A most joyful and just recognition of the immediate, lawful and undoubted succession, descent and right of the crown.

GREAT and manifold were the benefits (most dread and most gracious sovereign) wherewith Almighty God blessed this kingdom and nation by the happy union and conjunction of the two noble houses of York and Lancaster, thereby preserving this noble realm, formerly torn and almost wasted with long and miserable dissension and bloody civil war; (2) but more inestimable and unspeakable blessings are thereby poured upon us, because there is derived and grown from and out of that union of those two princely families, a more famous and greater union (or rather a re-uniting) of two mighty, famous and ancient kingdoms (yet anciently but one) of England and Scotland, under one imperial crown, in your most royal person, who is lineally, rightfully and lawfully descended of the body of the most excellent lady Margaret, eldest daughter of the most renowned King Henry the Seventh, and the high and noble princess Queen Elizabeth his wife, eldest daughter of King Edward the Fourth; the said lady Margaret being eldest sister of King Henry the Eighth, father of the high and mighty princess of famous memory, Elizabeth late Queen of England:

II. In consideration whereof, albeit we your Majesty's loyal and faithful subjects, of all estates and degrees, with all possible and publick joy and acclamation, by open proclamations within few hours after the decease of our late sovereign Queen, acknowledging thereby with one full voice of tongue and heart, That your majesty was our only lawful

A recognition that the crown of England is lawfully descended unto King James, his progeny and posterity. The benefits ensuing by the conjunction of the houses of York and Lancaster. The uniting of England and Scotland in the King's person.

The acknowledgement of the King's title, and the love of his subjects, shewed by several means.

lawful and rightfull liege lord and sovereign, by our unspeakable and general rejoycing and applause at your Majesty's most happy inauguration and coronation, by the affectionate desire of infinite numbers of us, of all degrees, to see your royal person, and by all possible outward means have endeavoured to make demonstration of our inward love, zeal and devotion to your most excellent Majesty, our undoubted rightfull liege sovereign lord and King: (2) yet as we cannot do it too often, or enough, so can there be no means or ways so fit, both to sacrifice our unfeigned and hearty thanks to Almighty God, for blessing us with a sovereign adorned with the rarest gifts of mind and body, in such admirable peace and quietness, and upon the knees of our hearts to aggraze our most constant faith, obedience and loyalty to your Majesty and your royal progeny, as in this high court of parliament, where all the whole body of the realm, and every particular member thereof, either in person or by representation (upon their own free elections) are by the laws of this realm deemed to be personally present.

Several causes that have bound all subjects to the love and obedience of the King.

III. To the acknowledgment whereof to your Majesty, we are the more deeply bounden and obliged, as well in regard of the extraordinary care and pains which with so great wisdom, knowledge, experience and dexterity, your Majesty (since the imperial crown of this realm descended to you) have taken for the continuance and establishment of the blessed peace both of the church of England in the true and sincere religion; and of the commonwealth by due and speedy administration of justice, as in respect of the gracious care and inward affection which it pleased you on the first day of this parliament so lively to express by your own words, so full of high wisdom, learning and virtue, and so repleat with royal and thankful acceptance of all our faithful and constant endeavours, which is and ever will be to our inestimable consolation and comfort.

Causes of thanksgiving to God for the King and his progeny.

IV. We therefore your most humble and loyal subjects, the lords spiritual and temporal, and the commons, in this present parliament assembled, do from the bottom of our hearts, yield to the divine Majesty all humble thanks and praises, not only for the said unspeakable and inestimable benefits and blessings above-mentioned, but also that he hath further enriched your Highness with a most royal progeny of most rare and excellent gifts and forwardness, and in his goodness is likely to increase the happy number of them: (2) and in most humble and lowly manner do beseech your most excellent Majesty, that (as a memorial to all posterities, amongst the records of your high court of parliament for ever to endure, of our loyalty, obedience and hearty and humble affection) (3) it may be published and declared in this high court of parliament, and enacted by authority of the same, That we (being bounden thereunto both by the laws of God and man) do recognize and acknowledge (and thereby express our unspeakable joys) That immediately upon the dissolution and decease of Elizabeth late Queen of England, the imperial crown of the realm of England, and of all the kingdoms, dominions and rights belonging to the same, did by inherent birthright, and lawful and undoubted succession, descend and come to your most excellent Majesty, as being lineally, justly and lawfully, next and sole heir of the blood royal

Immediately upon Queen Elizabeth's death the crown of England, &c. descended to the King by lawful birth-right and descent.

royal of this realm as is afore said : (4) and that by the goodness of God Almighty, and lawful right of descent, under one imperial crown, your Majesty is of the realms and kingdoms of *England, Scotland, France and Ireland*, the most potent and mighty King, and by God's goodness more able to protect and govern us your loving subjects in all peace and plenty, than any of your noble progenitors : (5) And thereunto we most humbly and faithfully do submit and oblige ourselves, our heirs and posterities for ever, until the last drop of our bloods be spent : And do beseech your Majesty to accept the same, as the first-fruits in this high court of parliament, of our loyalty and faith to your Majesty, and your royal progeny and posterity for ever : (6) Which if your Majesty shall be pleased (as an argument of your gracious acceptation) to adorn with your Majesty's royal assent, without which it can neither be compleat and perfect, nor remain to all posterity, according to our most humble desire, (as a memorial of your princely and tender affection towards us) we shall add this also to the rest of your Majesty's unspeakable and inestimable benefits.

CAP. II.

An act authorizing certain commissioners of England to treat with commissioners of Scotland, for the weal of both kingdoms. 3 Jac. 1. c. 3. 4 Jac. 1. c. 1. 22 Car. 2. c. 9.

WHEREAS his most excellent Majesty hath been pleased, out of his great wisdom and judgment, not only to represent unto us, by his owne prudent and princely speech on the first day of this parliament, how much hee desired, (in regard of his inward, and gracious affection to both the famous and ancient realmes of England and Scotland, now united in allegiance and loyall subjection in his royall person, to his Maiestie and his posterity for ever) that by a speedy, mature and iund deliberation, such a further union might follow, as should make perfect that mutuall love and uniformity of manners and customes, which Almighty God in his Providence for the strength and saspie of both realmes hath already so far begun in apparent sight of all the world, but also hath vouchsafed to expresse many ways, how farre it is, and ever shall be from his royall and sincere care and affection to the subjects of England, to alter and innovate the fundamentall and ancient laws, priviledges and good customes of this kingdome, whereby not only his regall authority, but the people's security of lands, livings and priviledges (both in generall and particular) are preserved and maintained, and by the abolishing or alteration of the which, it is impossible but that present confusion will fall upon the whole state and frame of this kingdome.

II. Inasmuch as his Majesties humble, faithful and loving subjects, have not onely conceived the weight of his Majesties reasons, but apprehend to their unspeakable joy and comfort, his plaine, cleere and gracious intention, to seek no other changes or alteration, but of such particular, temporary or indifferent manner of statutes and customes, as may both prevent and extinguish all and every future questions, or
unhappy

unhappy accidents, by which the perfect and constant love and friendship and quietnesse between the subjects of both the realmes aforesaid, may be compleated and confirmed, and also performe and accomplish that real and effectuall union already inherent in his Majesties royal blood and person, and now desired by his Majestie to be performed and brought to an end, for the weale of both kingdomes, by this course following, &c.

CAP. III.

An act against the diminution of the possessions of archbishopricks and bishopricks, and for avoiding of dilapidations of the same.

All assurances made to the King of the lands of bishops shall be void.

By the statute of 1 El. c. 19. no bishop can make any lease of his land but for 21 years, or three lives to a subject.

WHEREAS all the archbishopricks and bishopricks within this realm of England, were in ancient times founded by his Majesty's most noble progenitors, Kings of this realm, and in respect thereof, his Majesty is lawful and rightful patron of all and every of the same: (2) And where also by the laws and statutes of this realm, no archbishop or bishop can make any conveyance, assurance or estate whatsoever, of any honours, castles, manors, lands, tenements or hereditaments, parcel of the possessions of his archbishoprick or bishoprick, or united, appertaining or belonging to any of the same, to any subject whatsoever, whereby any estate should or might pass from any archbishop or bishop, other than for term of one and twenty years, or three lives, with such reservations of rent, and in such manner and form, as by the laws and statutes are provided: (3) His most excellent Majesty understanding that divers persons have with great suit and importunity sought to frustrate the true end and intent of the said good laws and statutes in that behalf, of his christian and princely piety and care, minding so to patronize and protect the said possessions from alienation or diminution, as that the same may, according to the true intent of the founders, remain and continue in succession to the archbishops and bishops of this realm and their successors, for the better maintenance of God's true religion, keeping of hospitality, and avoiding of dilapidations, and thereby for ever hereafter to avoid all suits and importunities for or concerning any of the said possessions, both out of his own meer and godly motion, and of his blessed disposition for the publick good, without all regard of any private respect, vouchsafed and is pleased, That it may be enacted and established by his Majesty, by and with the assent of the lords spiritual and temporal, and the commons, in this present parliament assembled:

No bishop shall assure his land to the King.
10 Co. 62.
11 Co. 71.

II. And be it enacted and established by authority of the same, That every archbishop and bishop within this realm, and their and every of their successors, shall be from and after the end of this present session of parliament, for ever wholly and utterly disabled in law, to make, do, levy or suffer any act or acts, thing or things, whereby or by means whereof, any of the said honours, castles, manors, lands, tenements or hereditaments, or any part of them, or any of them, shall or may be aliened, assured, given, granted, demised, charged, or in any sort conveyed to our said sovereign lord the King, his heirs or successors: (2) And that all alienations, assurances, gifts, grants, leases,

leases, charges and conveyances whatsoever, from and after the end of this present session of parliament, to be done, suffered or made to our sovereign lord the King, his heirs or successors, by any archbishop or bishop, or their or any of their successors, of or out of any of the said possessions, or of or out of any part or parcel of them or any of them, and all and every confirmation and confirmations of the same, shall be from and after the end of this present session of parliament. utterly void and of none effect, to all intents, constructions and purposes; any former law, statute, act, ordinance or other matter or thing to the contrary notwithstanding. *Co. Lit. 44. a.*

CAP. IV.

An act for the due execution of the statutes against jesuits, seminary priests, recusants, &c.

FOR the better and more due execution of the statutes heretofore made, as well against jesuits, seminary priests, and other such like priests, as also against all manner of recusants; (2) Be it ordained and enacted by authority of this present parliament, That all and every the statutes heretofore made in the reign of the late Queen of famous memory, *Elizabeth*, as well against jesuits, seminary priests and other priests, deacons, religious and ecclesiastical persons whatsoever, made, ordained or professed, or to be made, ordained or professed, by any authority or jurisdiction derived, challenged or pretended from the see of *Rome*, as those which do in any wise concern the withdrawing of the King's subjects from their due obedience, and the religion now professed, and the taking of the oath of obedience unto the King's majesty, his heirs and successors, together with all those made in the said late Queen's time, against any manner of recusants, shall be put in due and exact execution.

II. Provided nevertheless, and be it enacted by the authority of this present parliament, That if any that is or shall be a recusant shall submit to reform him or herself, and become obedient to the laws and ordinances of the church of *England*; and repair to the church and continue there during the time of the divine service and sermons, according to the true meaning of the statutes in that behalf, in the said late Queen's time made and provided, That then every such person for and during such time as he or she shall so continue in such conformity and obedience, shall from thenceforth be freed and discharged of and from any the penalties and losses which the same person might otherwise sustain and bear in respect or by reason of such persons recusant.

III. And if any recusant shall hereafter die, his heir being no recusant, That in every such case, every such heir shall be freed and discharged of all and singular the penalties, charges and incumbrances, happening upon him or her in respect or by reason of his or her ancestor's recusancy: (2) And if at the decease of any such recusant, his heir shall happen to be a recusant, and after shall become conformable and obedient to the

Statutes made in the reign of Qu. Elizabeth shall be put in execution.

In what case a recusant's heir shall be charged in what not.

Going into seminaries.

3 Inst. 178.

1 Eliz. c. 1.

5 Eliz. c. 1.

13 Eliz. c. 2.

23 Eliz. c. 1.

27 Eliz. c. 2.

29 Eliz. c. 6.

35 Eliz. c. 1, 2.

2 Bulstr. 324.

A recusant conforming himself shall be discharged. Raym. 465, 466.

1 Eliz. c. 1.

laws and ordinances of the church of *England*, and repair to the church, and continue there during the time of the divine service and sermons, according to the intent and true meaning of the said statutes and ordinances in that behalf made as is aforesaid, and also shall take the oath of supremacy in such sort as that oath is expressed in one act of parliament made in the first year of the reign of our late sovereign lady Queen *Elizabeth*, before the archbishop or bishop of the diocese; that in every such case, every such heir shall be freed and discharged of all and singular the penalties, charges and incumbrances, happening upon him or her in respect or by reason of any of his or her ancestor's recusancy.

A recusant's heir within age at the time of his ancestor's death.

IV. Provided always, and be it enacted by authority of this present parliament, That if the heir of any recusant shall happen to be within the age of sixteen years at the time of the decease of his or her ancestor, and shall after his or her said age of sixteen years, become or be a recusant, that in every such case, any such heir shall not be freed or discharged of all or any of the penalties, charges and incumbrances happening upon him or her in respect or by reason of any of his or her ancestors recusancy, until he or she shall submit or reform him or herself, and become obedient to the laws and ordinances of the church of *England*, and repair to the church, and continue there during the time of the divine service and sermons, according to the intent and true meaning of the said statutes and ordinances in that behalf as is aforesaid, and shall take the said oath of supremacy in manner and form afore expressed; and yet nevertheless, from and after such submission and oath had and taken, every such heir shall be freed and discharged of all and singular the penalties, charges and incumbrances happening upon him or her in respect or by reason of any of his or her ancestors recusancy.

A third part of his living shall remain clear to a recusant.
29 Eliz. c. 6.

V. And be it further enacted by authority of this present parliament, That where any seizure shall be had of the two parts of any lands, tenements, hereditaments, leases or farms, for the not payment of the twenty pounds, due and payable for each month, according to the statute in that case lately made and provided; That in every such case, every such two parts shall, according to the extent thereof, go towards the satisfaction and payment of the twenty pounds due and payable for each month, and unpaid by any such recusant: (2) And that the third part thereof shall not be extended or seized by the King's majesty, his heirs or successors, for not payment of the said twenty pounds payable for each month forfeited or lost by any such recusant: (3) And where any such seizure shall be had of the two parts of the lands, tenements, hereditaments, leases or farms of any such recusant as is aforesaid, and such recusant shall die, (the debt or duty, by reason of his recusancy, not paid, satisfied or discharged) that in every such case, the same two parts shall continue in his Majesty's possession, until the residue or remainder of the said debt or duty be thereby or otherwise paid, satisfied or discharged: (4) And that his Majesty,

The two parts of a recusant's lands, after his death, shall remain in the King's hands until he be satisfied of the arrearages.

his

his heirs or successors, shall not seize or extend any third part descending to any such heirs or any part thereof, either by reason of the recusancy of his or her ancestor, or of the recusancy of any such heir.

VI. And be it further enacted by the authority of this present parliament, That all and every person and persons under the King's obedience, which at any time (after the end of this session of parliament) shall pass or go, or shall send or cause to be sent, any child, or other person under their or any of their government, into any the parts beyond the seas, out of the King's obedience, to the intent to enter into, or to be resident in any college, seminary or house of jesuits, priests or any other popish order, profession or calling whatsoever, or repair in or to any the same, to be instructed, persuaded or strengthened in the popish religion, or in any sort to profess the same; every such person so sending or causing to be sent, any child or other person, beyond the seas to any such purpose or intent, shall for every such offence forfeit to his Majesty, his heirs and successors, the sum of one hundred pounds: (2) And every such person so passing or being sent beyond the seas to any such intent or purpose as is aforesaid, shall by authority of this present act, as in respect of him or herself only, and not to or in respect of any of his heirs or posterity, be disabled and made incapable to inherit, purchase, take, have or enjoy any manors, lands, tenements, annuities, profits, commodities, hereditaments, goods, chattels, debts, duties, legacies or sums of money, within this realm of *England*, or any other his Majesty's dominions: (3) And that all and singular estates, terms, and other interests whatsoever hereafter to be made, suffered or done, to or for the use or behoof of any such person or persons, or upon any trust or confidence, mediately or immediately, to or for the benefit or relief of any such person or persons, shall be utterly void and of none effect, to all intents, constructions and purposes.

VII. And be it further enacted by the authority aforesaid, That if any person born within this realm or any the King's majesty's dominions, be at this present in any college, seminary, house or place in any parts beyond the seas, to the end to be instructed or strengthened in the popish religion, which shall not make return into this realm, or some of his Majesty's dominions, within one year next coming after the end of this session of parliament, and submit himself as is aforesaid, shall be in respect of himself only, and not to or in respect of any of his heirs or posterity, utterly disabled and incapable to inherit, have or enjoy any manors, lands, tenements, hereditaments, goods, chattels, debts, or other things aforesaid, within this realm or any other his Majesty's dominions. (2) Provided always, That if any such person or child so passing, sent, sending, or now being, beyond the seas as aforesaid, to such intent as is before-mentioned, shall after become conformable and obedient unto the laws and ordinances of the church of *England*, and shall repair to the church, and there remain and be as is aforesaid, and

None shall go or send any other to a seminary, &c.
3 Jac. 1. c. 5.

Further provisions relating hereto,
3 Car. 1. c. 25.
f. 1.

They who be in seminaries shall return.
27 Eliz. c. 2.

Explained by
Geo. 1. c. 12.
f. 4.

A remedy for such as do return into the realm, and become conformable to the laws.

continue

continue in such conformity, according to the true intent and meaning of the said statutes and ordinances; that in every such case every such person and child, for and during such time as he or she shall so continue in such conformity and obedience, shall be freed and discharged of all and every such disability and incapacity as is before-mentioned.

No woman or child shall pass over the seas without licence.

3 Jac. 1. c. 5.
See 12 W. 3. c.
4.

VIII. And be it further enacted by the authority of this present parliament, That no woman, nor any child under the age of one and twenty years (except sailors or ship-boys, or the apprentice or factor of some merchant in trade of merchandize) shall be permitted to pass over the seas (except the same shall be by licence of the King, his heirs or successors, or of some six or more of the King's privy council, thereunto first had under their hands) (2) upon pain that the officers of the port that shall willingly or negligently suffer any such so to pass, or shall not enter the names of such passengers licenced, shall forfeit his office, and all his goods and chattels; (3) and upon pain that the owner of any ship or vessel that shall wittingly or willingly carry any such over the seas without licence as is aforesaid, shall forfeit his ship or vessel and all the tackle: (4) And every master or mariner of or in any such ship or vessel offending as aforesaid, shall forfeit all their goods, and suffer imprisonment by the space of twelve months, without bail or mainprize.

The forfeiture of those who do suffer them to pass.

The forfeiture for being or keeping a school-master contrary to this act.
Carthew 464.
3 Ventr. 41.

IX. And be it further enacted by the authority aforesaid, That no person after the feast of St. Michael the archangel next shall keep any school, or be a school-master, out of any the universities or colleges of this realm, except it be in some public or free grammar school, or in some such nobleman's or noblewoman's, or gentleman's or gentlewoman's house, as are not recusants, or where the same school-master shall be specially licenced thereunto by the archbishop, bishop or guardian of the spiritualties of that diocese; (2) upon pain that as well the school-master, as also the party that shall retain or maintain any such school-master contrary to the true intent and meaning of this act, shall forfeit each of them for every day so wittingly offending, forty shillings. (3) The one half of all the penalties and sums of money before-mentioned to be forfeited, to be to the King, his heirs and successors, the other to him or them that shall or will sue for the same, in any the courts of record in Westminster, by action of debt, bill, plaint or information, in which no essoin, protection or wager of law shall be allowed.

CAP. V.

An act to prevent the over-charge of the people by stewards of court-leets and court-barons.

The steward of a court shall take no benefit of the lord's profits. How the profits and perquisites of

WHEREAS the King's most excellent majesty, the lords spiritual and temporal, and other his Highness's subjects of this realm of England and Wales, have in divers places of the same many franchises, jurisdictions, privileges and liberties to keep court-leets or court-barons, for the true administration of justice, and to the punishing and suppressing of offences; the profits and perquisites of which

which courts have heretofore been used to be levied and collected by the bailiff or other minister of such court, and by him accounted for to his Highness progenitors, or other lords or ladies of such courts and manors, and as of right it ought so to be: (2) But now by reason of the great increase of people, the said profits and perquisites of courts are grown to be of a better yearly value than in ancient time it hath been, divers that are now stewards of such courts have heretofore in their own names, or in the names of some other to their use, obtained and gotten divers grants of all the profits and perquisites of such courts whereof they are stewards, whereby many of his Majesty's subjects are unjustly vexed, and by grievous fines and amerciaments unduly punished, greatly to the wronging and impoverishing of the tenants and inhabitants where such stewards are, proceeding out of a greedy desire to make and obtain an undue and extraordinary gains to themselves: (3) It is therefore by the authority of this present parliament established and enacted, That no steward, deputy-steward, or other under-steward of any the courts aforesaid, shall directly or indirectly, in his own name, or in the name of any other, from and after the expiration of one year next after the end of this session of this present parliament, take, receive, or make benefit to his own use, in money, goods, or any other thing, to the value of twelve-pence or more, by virtue or colour of any demise or grant hereafter to be made of any the profits or perquisites, or amerciaments of any such courts whereof they are steward, which rightfully shall belong to the lords of the same; (4) upon pain that every steward offending contrary to the tenor of this present act of parliament, shall for every such his offence forfeit the sum of forty pounds, and to be disabled ever after to be steward of such court or of any other; (5) the one half of the forfeiture to be to our sovereign lord the King's majesty, his heirs and successors; the other half to any of his Majesty's subjects that shall complain in any of his Highness courts of record, by action of debt, bill, plaint or information; in which suit no essoin, protection, wager of law, or other dilatory plea shall be allowed.

courts-baron and leets have been collected.

Oppressions done to many for the private gain of stewards of courts.

A steward of a court shall not take benefit by the profit of the same court.

CAP. VI.

An act made for the explanation of the statute made in the fifth year of the late Queen Elizabeth's reign, concerning labourers.

WHEREAS by an act made in the parliament holden at Westminster in the fifth year of the reign of the late Queen Elizabeth of famous memory, intituled, An act touching divers orders for artificers, labourers, servants of husbandry and apprentices, it was provided and enacted by the authority of the same parliament, for the declaration and limitation what wages servants, labourers and artificers, either by the year or day, or otherwise, should have and receive, That the justices of peace of every shire, riding or liberty, within the limits of their several commissions, or the more part of them, being then resident within the same, and the sheriff of that county, if he conveniently may, and every mayor bailiff or

Rating of the wages of artificers, labourers, &c. according to the statute of

5 Eliz. c. 4. The penalty of a clothier refusing to obey the assessment.

A rehearsal of
the said statute.

Rating of wa-
ges by the
year, day,
week or
month, or by
the great.

A question
moved upon
the statute of
5 Eliz. c. 4.
whole wages
the justices
may rate.

5 Eliz. c. 4.
Labourers,
weavers, spin-
ners and
workmens wa-
ges may be
rated by the
justices.

other head officers, within any city or town corporate, wherein is any justice of peace within the limits of the said city or town corporate, and of the said corporation, should before the tenth day of June next coming, and afterwards should yearly at every general sessions first to be holden and kept after Easter, or at some time convenient within six weeks next following every of the said feasts of Easter, assemble themselves together; (2) and they so assembled, calling unto them such discreet and grave persons of the said county, or the said city or town corporate, as they shall think meet, and conferring together, respecting the plenty or scarcity of the time, and other circumstances necessarily to be considered, should have authority by virtue thereof, within the limits or precincts of their several commissions, to limit, rate and appoint the wages, as well of such and so many of the said artificers, handicraftsmen, husbandmen, or any other labourer, servant or workmen, whose wages in time past hath been by any law or statute rated and appointed; (3) and also the wages of all other labourers, artificers, workmen or apprentices of husbandry which have not been rated, as they the same justices, mayors, or head officers within their several commissions or liberties should think meet by their discretions to be rated, limited or appointed, by the year, or by the day, week, month or otherwise, with meat and drink, or without meat and drink; (4) and what wages every workman should take by the great for mowing, reaping or thrashing of corn and grain, and for mowing and making of hay, or for ditching, pailing, railing or hedging by the rod, perch, luge, yard, pole, rope, or foot, and for any other kind of reasonable labours or service; (5) and should yearly before the twelfth day of July next after the said assessment and rate so appointed and made, certify the same ingrossed in parchment with the considerations and causes thereof, under their hands and seals, into the said Queen's most honourable court of chancery, to the end that proclamation should be made in the name of the Queen's majesty, her heirs or successors, for observing of the same rates, in such sort, manner and form as in the said act more at large is declared.

II. And whereas the said act hath not, according to the true meaning thereof, been duly put in execution, whereby the rates of wages for poor artificers, labourers and other persons whose wages was meant to be rated by the said act, have not been rated and proportioned according to the plenty, scarcity, necessity, and respect of the time, which was politickly intended by the said act; (2) by reason that ambiguity and question have risen and been made, whether the rating of all manner artificers, work-men and work-women, his and their wages, other than such as by some statute and law have been rated, or else such as did work about husbandry, should or might be rated by the said law: Forasmuch as the said law hath been found beneficial for the commonwealth;

III. Be it enacted by authority of this present parliament, That the said statute, and the authority by the same statute given to any person or persons for assessing and rating of wages, and the authority to them in the said act committed, shall be expounded and construed, and shall by force of this act give authority to all persons having any such authority, to rate wages of
any

any labourers, weavers, spinsters, and work-men or work-women whatsoever, either working by the day, week, month, year, or taking any work at any person or persons hand whatsoever, to be done in great or otherwise.

IV. And whereas in divers shires within this realm, the justices of peace have not usually kept their general sessions in one place of the shire together, but the general sessions have been kept in several places for several divisions, by reason whereof the most part of the justices of the peace coming not together, no rating of wages could be well made in the said shire where such general sessions have been used; and for other respects,

V. Be it enacted by authority of this present parliament, Rates of wages where sessions be kept in several parts of the shire. That the justices of peace, or the more part of them, residing in any shire, or in any riding, liberty or division, where such sessions have been usually severally kept, shall at any general sessions of the peace to be holden for the same shire, division, riding or liberty, or at such time of rating of wages as is limited by the said act made in the fifth year of her Majesty's reign, have as full authority and power to rate all manner of wages to be rated within such shire, and within the limits of such division, in any such shire, riding or liberty, as if the same were done in the general sessions for the said county, or by the most part of the justices meeting for the rating of wages by the said act of the fifth year of the late Queen, for the wages men- Eliz. c. 4. tioned in the same act.

VI. And be it further enacted, That after the rates made for wages, and engrossed in parchment under the hands and seals of them having authority to rate the same, it shall and may be lawful to the sheriff of the said county, or to the mayor or chief officer or officers of any city or town corporate, to cause proclamation to be made of the several rates so rated, in so many places within their authorities as to them shall seem convenient, and as if the same had been set down printed by the lord chancellor or keeper, after declaration thereof to his Majesty, and certificate of the same into the King's most honourable court of chancery: (2) And that every person and persons shall be bound to observe the said rates in giving and receiving wages, upon the pains and punishments mentioned in the said act to be recovered, or punishment inflicted, as in the said act is mentioned.

VII. And furthermore, be it enacted by the authority aforesaid, That if any clothier or other shall refuse to obey the said order, rate and assessment of wages as aforesaid, and shall not pay so much or so great wages to their weavers, spinsters, workmen or workwomen, as shall be so set down, rated and appointed, according to the true meaning of this act; that then every clothier and other person and persons so offending, shall forfeit and lose for every such offence to the party grieved, ten shillings: (2) And that if the said offence and offences of not paying so much or so great wages to their said workmen, workwomen and others, shall be confessed by the offender, or that

the same shall be proved by two sufficient and lawful witnesses before the justices of peace in their quarter-sessions of the peace, the justices of assize in their sessions, or before any two justices of the peace whereof one to be of the *quorum*; that then every such person shall forthwith stand and be in law convicted thereof: (3) Which said forfeiture of ten shillings shall be levied by distress and sale of the offender's goods, by warrant from the said justices before whom any such conviction shall be had; which sale shall be good in law against any such offender and offenders.

The rates of wages need not to be certified into the chancery, but proclaimed in the county.
3 Eliz. c. 4.

VIII. And be it further enacted, That no person or persons shall incur any danger or penalty for not making certificate unto the King's most honourable court of the chancery, of any rates of wages appointed to be certified by the said act made in the said fifth year of the said late Queen, so as the same be proclaimed according to the true intent of this law; (2) but the said rates ingrossed in parchment and sealed as aforesaid shall, if the same be in any shire, be kept by the *custos rotulorum* of the said county, amongst the records in his custody for the said shire, and in any city or town corporate, amongst the records of the said city or town corporate. (3) This act to continue until the end of the next parliament.

The continuance of this act.

A clothier being a justice of peace shall be no rater of wages for spinners, &c.

IX. Provided nevertheless, and be it enacted by the authority aforesaid, That no clothier being a justice of peace in any precinct or liberty, shall be any rater of any wages for any weaver, tucker, spinster or other artizan that dependeth upon the making of cloth: (2) And in case there be not above the number of two justices of the peace within such precinct or liberty, but such as are clothiers; that in such case, the same wages shall be rated and assessed by the major part of the common council of such precinct or liberty, and such justice or justices of peace (if any there be) as are not clothiers. 3 Car. 1. c. 4. *Continued until the end of the first session of the next parliament, and farther continued by 16 Car. 1. c. 4.*

CAP. VII.

REP.

An act for the continuance and explanation of the statute made in the thirty-ninth year of the reign of the late Queen Elizabeth, intituled, An act for punishment of rogues, vagabonds and sturdy beggars. *Continued by 3 Car. 1. c. 4. and further continued by 16 Car. 1. c. 4. but repealed by 12 Anne, stat. 2. c. 23. §. 18.*

CAP. VIII.

An act to take away the benefit of clergy for some kind of manslaughter.

Clergy taken from him that doth stab another having not a weapon drawn.

Godbolt 154. pl. 204.
Stiles 86, 468.
1 Hawk. pl. Cr. 77.

TO the end that stabbing and killing men on the sudden, done and committed by many inhumane and wicked persons, in the time of their rage, drunkenness, hidden displeasure, or other passion of mind, contrary to the commandment of Almighty God, and the common peace and tranquillity of this realm, may from henceforth be restrained through fear of due punishment to be inflicted on such cruel and bloody malefactors, who heretofore have been thereunto emboldened by presuming on the benefit of clergy.

II. Be

II. Be it therefore enacted by the King's most excellent majesty, the lords spiritual and temporal, and the commons, in this present parliament assembled, That every person and persons which after one month next ensuing the end of this present session of parliament, shall stab or thrust any person or persons that hath not then any weapon drawn, or that hath not then first stricken the party which shall so stab or thrust, so as the person or persons so stabbed or thrust shall thereof die within the space of six months then next following, although it cannot be proved that the same was done of malice forethought, yet the party so offending, and being thereof convicted by verdict of twelve men, confession or otherwise according to the laws of this realm, shall be excluded from the benefit of his or their clergy, and suffer death as in case of wilful murder.

III. Provided always, That this act or any thing therein contained, shall not extend to any person or persons which shall kill any person or persons *se defendendo*, or by misfortune, or in any other manner than as aforesaid; (2) nor shall extend to any person or persons which in keeping and preserving the peace shall chance to commit manslaughter, so as the said manslaughter be not committed wittingly, willingly and of purpose, un-giving correction. Killing another in defence of himself, by misfortune, in preserving the peace, or giving correction.

his child or servant, shall besides his or their intent and purpose chance to commit manslaughter. (4) This act to continue until the end of the first session of the next parliament. *Continued by 3 Car. 1. c. 4. and 16. Car. 1. c. 4.*

CAP. IX.

An act to restrain the inordinate haunting and tipling in inns, alehouses, and other victualling-houses.

WHEREAS the ancient, true and principal use of inns, alehouses and victualling-houses was for the receipt, relief and lodging of wayfaring people travelling from place to place, and for such supply of the wants of such people as are not able by greater quantities to make their provision of victuals, and not meant for entertainment and harbouring of lewd and idle people to spend and consume their money and their time in lewd and drunken manner:

II. Be it therefore enacted by the King's most excellent Majesty, the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That if after forty days next ensuing after the end of this present session of parliament, any inn-keeper, victualler or alehouse-keeper, within this realm of England or the dominion of Wales, do permit or suffer any person or persons inhabiting and dwelling in any city, town corporate, market-town, village or hamlet, within this realm of England or dominion of Wales, where any such inn, ale-house or tipling-house is or shall be, to remain and continue drinking or tipling in the said inn, victualling-house, tipling-house or ale-house; (2) other than such as shall be invited by any traveller, and shall accompany him only during

The true and principal use of inns and ale-houses.

The forfeiture of an alehouse-keeper permitting one to continue unlawful drinking in his house.

7 Jac. 1. c. 10.
1 Car. 1. c. 4.
Farther provisions relating hereto,
1 Car. 1. c. 4.

during his necessary abode there; (3) and other than labouring and handicraftsmen in cities and towns corporate, and market-towns, upon the usual working-days, for one hour at dinner-time to take their diet in an ale-house; (4) and other than labourers and workmen, which for the following of their work by the day or by the great, in any city, town corporate, market-town or village, shall for the time of their said continuing in work there, sojourn, lodge or victual in any inn, ale-house or other victualling-house: (5) Other than for urgent and necessary occasions to be allowed by two justices of peace: That then every such inn-keeper, victualler or alehouse-keeper, shall for every such offence forfeit and lose the sum of ten shillings of current money of *England*, to the use of the poor of the parish where such offence shall be committed; (6) the same offence being viewed and seen by any mayor, bailiff or justice of peace, within their several limits, or proved by the oath of two witnesses to be taken before any mayor, bailiff or any other head officer, or any one or more justice or justices of the peace, who by virtue of this act shall be authorized to minister the said oath to any person or persons that can or will justify the same, being within the limits of their said commission.

One witness
sufficient.

27 Jac. I. C. 7.
i. 1.

The prices of
ale and beer
sold in an inn
or alehouse.

III. And be it further enacted by the authority aforesaid, That if any inn-keeper, alehouse-keeper or victualler, shall at any time utter or sell less than one full ale-quart of the best beer or ale for a penny, and of the small two quarts for one penny, that then every such inn-keeper, alehouse-keeper or victualler, shall forfeit for every such offence, being duly proved in manner above limited, the sum of twenty shillings of lawful money of *England* to the use aforesaid: (2) All and every the said penalties to be levied by the constables or church-wardens of the parish or parishes where the offence or offences shall be committed, by way of distress to be taken and detained for the said forfeitures, and for default of satisfaction within six days next ensuing, the same then to be presently appraised and sold, and the surpluse or remainder over and above to be delivered to the party of whom the distress was taken; (3) and for want of sufficient distress the party or parties offending to be by the mayor, bailiff, or other head officer, or justice or justices aforesaid, committed to the common gaol, there to remain until the said penalty or penalties be truly paid.

IV. And be it further enacted by the authority aforesaid, That if the constables or churchwardens do neglect their duty in levying, or do not levy the said several penalties, or in default of distress or distresses, from time to time do neglect to certify the same default of distress by the space of twenty days then next ensuing, to the mayor, bailiff, other head officer or justice of peace within whose jurisdiction the offence is committed, then every person and persons so offending shall forfeit for every such default the sum of forty shillings of current money of *England*, to the use of the poor of the parish where such offence shall be committed; (2) to be levied by way of distress

The penalty of
the constables
or church-
wardens omit-
ting their
duty.

of the offender's goods, by warrant from any one or more justice or justices of the peace, mayor, bailiff or other head officer, within the limits of their jurisdictions respectively, under his or their hand and seal, to be taken and detained for the said forfeitures, for the space of six days then next ensuing: Within which time if payment be not made, the same goods to be presently appraised and sold, and the surpluse and remainder over and above (if any be) to be delivered to the party of whom the distress was taken; (3) and for want of such sufficient distress the constables, church-warden or church-wardens so offending, to be by the mayor, bailiff, or other head officer, justice or justices of peace, committed to the common gaol, there to remain until the said penalty or penalties be truly paid; (4) for all which penalties which so shall be levied by the said constables or church-wardens, they the said constables and church-wardens shall be accountable to their successors and other the parishioners, in such sort as they usually be in other church-reckonings or accounts: (5) And for all forfeitures to be levied by reason of any neglect of the constables or church-wardens, those shall be accountable who by force of any warrant or precept do levy the same, or upon the enlargement of persons committed do receive the same.

The constable
and church-
warden's ac-
count.

V. And be it further enacted, That all other laws and statutes touching inn-keepers, victuallers and alehouse-keepers, shall still remain in their former force, and be put in due execution. (2) This act to continue to the end of the first session of the next parliament.

12 H. 7. c. 2.
5 & 6 Ed. 6.
c. 25.

The continu-
ance of this
statute.

VI. Provided always, and be it enacted by the authority of this present parliament, That the correction and punishment of such as shall offend against this act or any part thereof, within either of the two universities of this realm or the precincts or liberties of the same, shall be done upon the offenders, and justice shall be ministered in this behalf, according to the intent and true meaning of this law, by the governors, magistrates, justices of the peace or other principal officers of either of the same universities, to whom in other cases the administration of justice, and correction and punishment of offenders by the laws of this realm and their several charters doth belong or appertain, and that no other within their liberties, for any matter concerning this law, contrary to their several charters, do intermeddle; (2) and that all penalties and sums of money to be forfeited or lost by force of this act, within either of the universities or the liberties or precincts of the same shall be levied by the officers or ministers of either of the said universities, to be from time to time in that behalf appointed by the vice-chancellors thereof for the time being respectively; (3) and that all powers and authorities either of imprisonment or otherwise before given or appointed by this act, shall by the governors, magistrates and principal officers abovesaid of either of the said universities, be duly executed and done within either of the said universities and the liberties and precincts of the

Offences com-
mitted within
the universi-
ties.

same, according to the true intent and meaning of this act.
Made perpetual by 21 Jac. I. c. 7. s. 1.

CAP. X.

An act for the better execution of justice.

Nothing shall be taken for the report of a cause referred by any court.

FOrasmuch as all exactions, extortions and corruptions are odious, and prohibited in all well governed commonwealths, (2) Be it enacted, That no person to whom any order or cause shall be committed or referred by any of the King's judges, or courts at *Westminster*, or any other court, shall directly or indirectly, or by any art, shift, colour or device, have, take or receive any money, fee, reward, covenant, obligation, promise, agreement or any other thing, for his report or certificate by writing, or otherwise; (3) upon pain of the forfeiture of one hundred pounds for every such report or certificate, and to be deprived of his office and place in the same court; (4) the one moiety of the said forfeitures to be to our sovereign lord the King, his heirs and successors, the other moiety to the party grieved which will sue for the same, at any time during the said suit, or within one year after the same cause discontinued or decreed; and in his default of such suit, to him or them that will sue for the same, by original writ, bill, plaint or information, in his Majesty's high court of star-chamber, or in any his Majesty's courts of record at *Westminster*, in which suit, by writ, bill, plaint or information, no wager of law, essoin, privilege, superseades, protection, or any other delay, shall be suffered or admitted.

The clerk's fees for writing a report.

II. Provided nevertheless, That it shall be lawful for the clerk to take for his pains for writing of every such report or certificate twelve pence for the first side, and two pence for every side after, and no more, upon pain to forfeit ten shillings for every peny taken over and above the said sum, to be had and recovered as aforesaid.

CAP. XI.

An act to restrain all persons from marriage until their former wives and former husbands be dead.

Felony to marry a second husband or wife, the former being living.

1 Ed. 6. c. 12. s. 16.

3 Inst. 88.

Cro. Eliz. 94.

March 101.

Kelyng 79, 80.

FOrasmuch as divers evil disposed persons being married, run out of one county into another, or into places where they are not known, and there become to be married, having another husband or wife living, to the great dishonour of God, and utter undoing of divers honest mens children, and others; (2) Be it therefore enacted by the King's majesty, with the consent of the lords spiritual and temporal, and of the commons, in this present parliament assembled, That if any person or persons within his Majesty's dominions of *England* and *Wales*, being married, or which hereafter shall marry, do at any time after the end of the session of this present parliament, marry any person or persons, the former husband or wife being alive; that then every such offence shall be felony, and the person and persons so offending shall suffer death as in cases of felony; (3) and the party and parties so offending shall receive such and the like proceeding, trial

trial and execution in such county where such person or persons shall be apprehended, as if the offence had been committed in such county where such person or persons shall be taken or apprehended.

II. Provided always, That this act, nor any thing therein contained, shall extend to any person or persons whose husband or wife shall be continually remaining beyond the seas by the space of seven years together, or whose husband or wife shall absent him or herself the one from the other by the space of seven years together, in any parts within his Majesty's dominions, the one of them not knowing the other to be living within that time.

The husband or wife being absent seven years from the other.

III. Provided also, and be it enacted by the authority aforesaid, That this act, nor any thing herein contained, shall extend to any person or persons that are or shall be at the time of such marriage divorced by any sentence had or hereafter to be had in the ecclesiastical court; (2) or to any person or persons where the former marriage hath been or hereafter shall be by sentence in the ecclesiastical court declared to be void and of no effect; nor to any person or persons for or by reason of any former marriage had or made, or hereafter to be had or made, within age of consent.

To what persons this statute shall not extend.

IV. Provided also, That no attainder for this offence made felony by this act, shall make or work any corruption of blood, loss of dower, or disinherison of heir or heirs.

No corruption of blood, loss of dower or inheritance.

C A P. XII.

An act against conjuration, witchcraft and dealing with evil and wicked spirits. The penalty for practising of invocation or conjuration; &c. Conjuration or invocation, whereby any person is killed or lamed. Declaring by witchcraft, where any thing is hidden, procuring unlawful love, &c. The second offence felony. No forfeiture of dower or inheritance. Trial of a peer of the realm.

REP. 9 Geo. 2. c. 5.
5 Eliz. c. 16.
Corpus Juris
Civilis, vol. 2.
Cod. 9. Tit. 12.
3 Inst. 45, 128.
Cro. Car. 141.
282.

C A P. XIII.

An act for new executions to be sued against any which shall hereafter be delivered out of execution by privilege of parliament, and for discharge of them out of whose custody such persons shall be delivered.

FOrasmuch as hertofore doubt hath been made, if any person being arrested in execution, and by privilege of either of the houses of parliament set at liberty, whether the party at whose suit such execution was pursued, be for ever after barred and disabled to sue forth a new writ of execution in that case:

An execution against him who is discharged by privilege of parliament.

II. For the avoiding of all further doubt and trouble which in like cases may hereafter ensue, Be it enacted by the King's most excellent majesty, by the lords spiritual and temporal, and by the commons, in this present parliament assembled, That from henceforth the party at or by whose suit such writ of execution was pursued, his executors or administrators, after such time as the privilege of that session of parliament in which such privilege shall be so granted shall cease, may sue forth and execute a new writ or writs of execution, in such manner and

form

He shall never be charged, out of whose custody such prisoner shall be delivered.

form as by the law of this realm he or they might have done, if no such former execution had been taken forth or served: (2) and that from henceforth no sheriff, bailiff, or other officer, from whose arrest or custody any such person so arrested in execution shall be delivered by any such privilege, shall be charged or chargeable with or by any action whatsoever, for delivering out of execution any such privileged person, so as is aforesaid by such privilege of parliament let at liberty; any law, custom or privilege heretofore to the contrary notwithstanding.

Censure inflicted upon any that shall arrest a parliament-man.

III. Provided always, That this act, or any thing therein contained, shall not extend to the diminishing of any punishment to be hereafter by censure in parliament inflicted upon any person which hereafter shall make or procure to be made any such arrest as is aforesaid.

C A P. XIV.

A remedy for a freeman of London to recover a debt not exceeding forty shillings owing to him by another inhabiting within the said city or the liberties: a penalty if the debtor do not appear before the commissioners upon warning; or if the creditor or debtor do not perform their order; or if the creditor, being a freeman of London, do sue any other freeman out of the same city for a debt under forty shillings. *Repealed by 3 Jac. 1. c. 15.*

C A P. XV.

An act for the better relief of the creditors against such as shall become bankrupts.

An exposition and addition to the statute of bankrupts, made 34 & 35 H. 8. c. 4. 13 Eliz. c. 7.

FOR that frauds and deceits, as new diseases, daily increase amongst such as live by buying and selling, to the hindrance of traffick and mutual commerce, and to the general hurt of the realm, by such as wickedly and wilfully become bankrupts: (2) and for that the description of a bankrupt in former statutes is not so fully expressed, nor the power given thereby to the commissioners for bankrupts so large, as is meet in such cases of deceit, to prevent the deceitful actions of bankrupts:

Who shall be adjudged a bankrupt. 1 Bulstr. 134. In part repealed by 20 Annæ, c. 15. f. 1.

II. For remedy whereof, be it therefore enacted by our sovereign lord the King, and by the lords spiritual and temporal, and commons, at this present parliament assembled, and by the authority of the same, That all and every such person and persons using or that shall use the trade of merchandize, by way of bargaining, exchange, bartry, chevifance, or otherwise in gross, or by retail, or seeking his, her, or their trade of living by buying and selling, and being a subject-born of this realm or any the King's dominions, or denizen, who at any time sithence the first day of this present parliament, or at any time hereafter, shall depart the realm, (2) or begin to keep his or her house or houses or otherwise to absent him or her self, or take sanctuary, (3) or suffer him or herself willingly to be arrested for any debt, or other thing not grown or due for money delivered, wares sold, or any other just or lawful cause, or good consideration or pur-

purposes, (4) or hath or will suffer him or her self to be outlawed, or yield him or her self to prison, (5) or willingly or fraudulently hath or shall procure him or her self to be arrested, or his or her goods, money or chattels to be attached or sequestered; (6) or depart from his or her dwelling-house; (7) or make or cause to be made any fraudulent grant or conveyance of his, her or their lands, tenements, goods or chattels; (8) to the intent, or whereby his, her or their creditors, being subjects born as aforesaid, shall or may be defeated or delayed for the recovery of their just and true debts, (9) or being arrested for debt, shall after his or her arrest lie in prison six months or more upon that arrest, or upon any other arrest or detention in prison for debt, and lie in prison six months upon such arrest or detention, (10) shall be accounted and adjudged a bankrupt to all intents and purposes.

III. And be it further enacted by the authority of this present parliament, That the like commissions, orders, benefits and remedies which are and be provided and limited by the said former act of parliament (made in 13 *nuper Eliz. Reginae*) against any bankrupt therein described, or for or concerning his, her or their lands, tenements, hereditaments, fees, annuities, offices, goods, chattels, wares, merchandizes and debts, or any of them, shall be had, pursued, taken and expounded against such person and persons that are herein expressed to be bankrupts, his, her and their lands, tenements, hereditaments, fees, annuities, offices, goods, chattels, wares, merchandizes and debts, in such like manner and form as the same ought or might have been, if the persons herein described to be bankrupts, had been described to be bankrupts according to the intent of the said former statute.

The like commissions, orders, benefits and remedies as be provided for bankrupts by the statute of 13 Eliz. c. 7. 2 Bulstr. 26.

IV. And that it shall be lawful for any of the creditors of the said bankrupt within four months after any such commission shall be sued forth, and until distribution shall be made by the said commissioners for the payment of the bankrupt's debt, as in such case hath been used, to partake and join with the other creditors that shall sue forth any such commission, for satisfaction and payment of his, her or their debts, to him or them owing, without any hindrance, let or disturbance of any of the same commissioners, or of any of the other creditors of any such bankrupts, the same creditors so coming in, to contribute to the charges of the said commission; (2) and that if the creditors come not in within four months, then the commissioners to have power to distribute.

New creditors partakers with the former Hob. 287. Hut. 37, 42.

V. Be it further enacted, That if any person which hereafter is or shall be a bankrupt by intent of this statute, shall convey, or procure or cause to be conveyed, to any of his children or other person or persons, any manors, lands, tenements, hereditaments, offices, fees, annuities leases, goods, chat-

A bankrupt conveying his lands or goods to others, or transferring his debts into chat-

other mens
names.
Stiles. 288.
3 Wms. 298,
299.

chattels, or transfer his debts into other mens names; (2) except the same shall be purchased, conveyed or transferred for or upon marriage of any of his or her children, both the parties married being of the years of consent, or some valuable consideration, (3) shall be in the power and authority of the commissioners on this behalf to be appointed, or the more part of them, to bargain, sell, grant, convey, demise, or otherwise to dispose thereof, in as ample manner as if the said bankrupt had been actually seized or possessed thereof, or the debts were in his own name, of the like estate or interest to his or their own use, at such time as he or she became bankrupt: (4) and that every such grant, bargain, sale, conveyance and disposition of the said commissioners, or of the greater part of them, shall be good and available to all intents, constructions and purposes in the law, against the offender or offenders, his heirs, executors, administrators and assigns, and such children and persons as shall be subject to this statute, and against all other person and persons claiming by, from or under such offender or offenders, or such said other persons, to whom such conveyance shall be made by the said bankrupt, or by his means or procurement.

VI. *And for that the practices of bankrupts of late are so secret and so subtil, as that they can very hardly be found out or brought to light; (2) and for that the former statute, giving power to the commissioners to examine others than the bankrupts, hath not fully or sufficiently authorized them to examine the said bankrupt upon oath:*

In what case
he that doth
withdraw
himself shall
be proclaimed
a bankrupt.

(3) for remedy whereof, be it further enacted by the authority of this present parliament, That the said commissioners may call before them, or the greater part of them, the said bankrupt; (4) and if upon lawful warning left or made in writing at three several times at the dwelling-place or house where the said bankrupt, his wife or family, for the most part of his abode, did lodge or remain within one year next before he, she or they became bankrupt, the said bankrupt shall not appear before the said commissioners, or the greater part of them; that then and from thenceforth it shall be lawful for the greater number of the said commissioners to appoint to proclaim the said party a bankrupt, at such publick place or places where the said commissioners or the greater part of them shall think meet, warning him, her or them, to appear before them upon the said commission at some time appointed; (5) and that if upon five several proclamations made in some publick place, the party offending appear not before the said commissioners, and yield his, her or their bodies to them or some of them, the said commissioners, or the greater part of them, shall or may award a warrant to such fit person or persons as they think meet, to apprehend the body and bodies of the said offender and offenders, and to bring him, her or them so offending, before the said commissioners, wheresoever the said party or parties offending may be found, in place privileged or not,

A bankrupt
apprehended,
which upon
warning re-
fuseth to ap-
pear.

not, to be examined by the said commissioners or the greater part of them.

VII. And that it shall be lawful for the said commissioners, or the greater part of them, to examine the said offender or offenders, upon such interrogatories touching the lands, tenements, goods, chattels, debts, bills, bonds, books of account, and such other things, as may tend to disclose his, her or their estate, or their secret grants, conveyances, and cloining of his, her or their lands, tenements, goods, money, and debts, as they shall think meet.

The examination of a bankrupt.

VIII. And that if therein the offender or offenders shall refuse to be examined or to answer fully to every interrogatory to him to be ministred by the said commissioners, or the greater part of them, it shall be lawful for the said commissioners, or the greater part of them, to commit the said offender or offenders to some strait or close imprisonment, there to remain until he, she or they shall better conform him or herself.

A bankrupt refusing to answer.

IX. And that if upon his, her or their examination, it shall appear that he, she or they have committed any wilful or corrupt perjury, tending to the hurt or damage of the creditors of the said bankrupt, to the value of ten pounds of lawful money of England, or above, the party so offending shall or may thereof be indicted in any of the King's majesty's courts of record, and being lawfully convicted thereof shall stand upon the pillory in some publick place by the space of two hours, and have one of his ears nailed to the pillory and cut off.

The punishment of a bankrupt committing perjury.

X. And whereas by the former statute made in the said thirteenth year of the reign of the late Queen Elizabeth, the commissioners for bankrupts have power given to them to send for such person or persons as the creditors shall know, suppose or suspect to have, detain or keep any part of the money, goods, chattels or debts of the said offender or offenders, or to be indebted to the said offender or offenders, to be examined by the said commissioners, as by the same statute appeareth, but have not good means or remedy by imprisonment or other penalty, to procure the person so sent for by them to appear before them, nor having appeared before them, to make answer upon his oath to such interrogatories as shall be ministred unto him by the said commissioners, for and upon the specialty, certainty, true declaration and knowledge of such lands, tenements, hereditaments, goods, debts or other things, of any such offender or offenders, as he or shall be, or which shall be suspected to be, in his custody, use or possession, or in the custody, use or possession of any other to his knowledge, and of all debts owing to or for the benefit of such offender or offenders, by himself or by any other to his knowledge; (2) so as many times a great part of the offender or offenders lands, tenements, hereditaments, goods, chattels or debts, which by the true intent of the said statute should be employed to the satisfaction of the creditors of the offender or offenders, are concealed or detained in the hands of such person and persons as refuse to come, or being come refuse to be sworn, before

13 El. c. 7.

Examination
of such as
have bank-
rupts goods,
or be indebt-
ed unto them.

The punish-
ment of such
as will not ap-
pear, or not
swear to an-
swer to inter-
rogatories.

§ Mod. 309.

before the said commissioners, to be examined in that behalf, to the great encouragement of all bankrupts and their wicked confederates and accessories; and to the great hindrance of the just remedies of the creditors of the said bankrupts, for their true and just debts to them owing: (3) for remedy whereof, be it further enacted by the authority aforesaid, That if any person or persons being known, supposed or suspected to have or detain any part of the lands, tenements or hereditaments, goods, chattels or debts of the said bankrupt, or to be indebted to or for the benefit of the said bankrupt, shall after lawful warning to the said person or persons given, to come before the said commissioners or the greater part of them, to be examined according to the intent of the said statute, refuse to come, or shall not come before the said commissioners at the time appointed, having no lawful impediment (such as shall be admitted and allowed of by the said commissioners or the more part of them, and which shall be then signified or made known to the said commissioners at the time of their assembly;) (4) or that any such person or persons, having knowledge or warning of any other assembly or meeting of the said commissioners again, shall not come and appear before them at such time as he or she lawfully may come, having no such lawful impediment as shall be then made known to the said commissioners, and by them admitted and allowed of, as aforesaid; (5) or being come before them shall refuse to be sworn, and to make answer to such interrogatories as shall be ministred unto him or them, according to the true intent and meaning of the said statute made in the said thirteenth year of the reign of our said late sovereign lady Queen *Elizabeth*, or of this present act; (6) that then it shall be lawful for the said commissioners, or for the greater part of them, to commit to such ward and prison, as to them or to the greater part of them shall be thought meet, all such person and persons as shall so refuse to be sworn, and make answer to such interrogatories as shall be so ministred as aforesaid, (7) and also to direct their warrants to such person or persons as to them or the greater part of them shall be thought meet, to apprehend and arrest such person or persons as shall refuse to come and appear before them, as aforesaid, and to bring him, her or them before the said commissioners, or the greater part of them, to be examined as aforesaid, (8) and upon his, her or their refusal to come, or to be examined before the said commissioners, as aforesaid, to commit the said party so refusing, to such prison as the said commissioners, or the greater part of them, shall think meet, there to remain without bail or mainprize, until such time as the said person so refusing to come, or to be sworn to answer before the said commissioners, shall submit him or her self to the said commissioners, and be by them examined, according to the true intent of the said statute and of this present act.

XI. Provided always, That such witnesses as shall so be sent for, shall have such costs and charges as the commissioners in their discretion shall think fit; the same charges to be rateably born by the creditors of the said bankrupt, according to the proportion of each of their several debts: (2) and if any person or persons, other than the bankrupt, either by subornation, unlawful procurement, sinister persuasion, or means of any others, or by his own act, consent or agreement, shall wilfully and corruptly commit any manner of wilful perjury by his deposition to be taken before the said commissioners, or the greater part of them, as aforesaid; that then the party or parties so offending, and all and every person and persons that shall unlawfully and corruptly procure any such unlawful, wilful and corrupt perjury, shall or may therefore be indicted in any of the King's majesty's courts of record, (3) and after his or their conviction thereof, shall incur such forfeiture, and receive and suffer such pains and punishment, as are limited by the statute made concerning perjury in the fifth year of the reign of our late sovereign lady Queen Elizabeth. Witnesse allowed their costs.
The penalty of others beside the bankrupt committing perjury.

XII. And be it further enacted, That all and every sum and sums of money which shall be forfeited by force of this present act, shall be sued for and recovered by the said creditors only, or any of them that will sue for the same, by action of debt, bill, plaint or information, in any of the King's majesty's courts of record; and the sum or sums of money so recovered, the charges of suit being deducted, shall be distributed and divided towards the payment of the said creditors of the bankrupt. Who shall recover the forfeitures, and how they shall employ them.

XIII. And for that the power and authority given to the commissioners of bankrupts touching the debts due to the said bankrupts, is not so full and perfect, as that the full benefit thereof in due course might be employed to the use of the said creditors, as was intended; (2) for remedy thereof, be it further enacted by the authority aforesaid, That the commissioners of bankrupts, or the greater part of them, shall have power to grant and assign, or otherwise to order or dispose all or any of the debts due or to be due to or for the benefit of the said bankrupt, by what person or persons soever, or in what manner and form soever, to the use of the creditors of the said bankrupt, according to the true intent of the said former recited statute of bankrupts; (3) and that the same grant, assignment or disposition of the said debts, in form aforesaid to be made by the said commissioners, or the greater part of them, shall so vest the property, right and interest of the said debt and debts, in the person or persons of him, her or them, to whom it shall be granted, assigned or ordered by the said commissioners or the greater part of them, as fully to all intents and purposes as if the said bill, bond, bonds, statutes, recognizances, judgment or contract, whereupon the said debt or debts, deed or deeds shall arise or grow, had been made to or with, or for the said person or persons to whom The authority of commissioners touching debts due to a bankrupt.
Salk. 108.

The remedy for the creditor to recover a bankrupt's debt assigned to him by the commissioners.

whom the same shall be so granted, assigned or disposed by the said commissioners; (4) and that after such grant, assignment or disposition made of the said debts, that neither the bankrupt, nor any other to whom any such debt shall be due, shall have power to recover the same, nor to make any release or discharge thereof; (5) neither shall the same be attached as the debt of the bankrupt, or such said other person or persons to whom the same shall be due, by any other person or persons, according to the custom of the city of London or otherwise, (6) but that the party or parties to whom the same debt shall be so assigned, shall have like remedy to recover the same, as fully and lawfully, in the name or names of the person or persons to whom the same shall be so granted, assigned or ordered by the said commissioners, in all respects and purposes as the party himself might have had; any law, statute, use or custom to the contrary thereof in any wise notwithstanding.

XIV. Provided always, That no debtor of the bankrupt be hereby endangered for the payment of his or her debt truly and *bona fide* to any such bankrupt, before such time as he shall understand or know that he is become a bankrupt.

Commissioners shall declare to the bankrupt how they have bestowed his lands and goods.

XV. Provided also, and be it further enacted, That such of the said commissioners as shall put the said commission in execution, shall upon lawful request to them made by the said bankrupt, not only make a true declaration to the said bankrupts, of the employing and bestowing of his, her or their said lands, tenements and hereditaments, offices, fees, goods, wares, money, chattels and debts which shall be paid and satisfied to their said creditors, as is in like case limited or appointed by the said former statute made in the said thirteenth year of the said late Queen's majesty's reign, but also make payment of the overplus of the same, if any such shall be, to the said bankrupts, their executors, administrators and assigns; (2) and that the said bankrupts, after the full satisfaction of the said creditors, shall have full power and authority to recover and receive the residue and remainder of the debts to them owing; any thing in this act contained to the contrary in any wise notwithstanding.

XVI. Be it further enacted, That if any action of trespass or other suit shall happen hereafter to be brought against any commissioner authorized by the statute made in *decimo tertio* of our late sovereign lady Queen *Elizabeth*, for bankrupts, or any other person or persons having authority by virtue or under the commission authorizing the said commissioner for the doing or executing of any matter by force of the said statute, or this present statute, that the defendant or defendants in any such action or suit, may plead not guilty, (2) or otherwise justify, that the act or thing whereof the plain-

The commissioners plea in

plaintiff or plaintiffs complained, was done by the authority of the said act made in the thirteenth of *Elizabeth*, or in this present act respectively, (3) without expressing or rehearsal of any other matter or circumstance contained in either of the said acts, and without enforcing him or them to shew forth their commission authorizing the said act or thing; (4) whereunto the plaintiff shall be admitted to reply, that the defendant did the said fact supposed in the declaration, of his own wrong, without any such cause alleged by the said defendant; whereupon the issue in such action shall be joined to be tried by verdict of twelve men; (5) and upon the trial of that issue, the whole matter to be given on both parties in evidence, according to the very truth of the same; (6) and if verdict upon such issue shall pass for the defendant, the defendant to have his costs.

an action brought against them.

XVII. Provided always, and be it further enacted, That after any commission of bankrupts hereafter sued forth, and dealt in by the commissioners, the offender happen to die before the commissioners shall distribute the goods, lands and debts of the offenders or any of them, by force of the aforesaid statute of the thirteenth year of the reign of our late sovereign lady, *Queen Elizabeth*, and this statute or either of them, that then nevertheless the said commissioners shall and may in that case proceed in execution, in and upon the said commission for and concerning the offenders goods, lands, tenements, hereditaments and debts, in such sort as they might have done if the party offender were living. 21 Jac. 1, c. 19. 5 Geo. 2. c. 39.

The commissioners shall proceed to execution though the bankrupt die.

Caf. Temp. Feb. 24. 185.

CAP. XVI.

An act concerning wherimen and watermen.

FORASMUCH as it hath often happened, that divers and sundry people passing by water upon the river of *Thames* between *Windfor* and *Gravesend*, have been put in great hazard and danger of the loss of their lives and goods, and many times have perished and been drowned in the said river; through the unskilfulness and want of knowledge or experience in the wherimen or watermen, that did transport or carry them and their said goods from place to place upon the said river, in wherries, tiltboats and barges: (2) and for that hitherto there hath not been any sufficient provision had and made for remedy herein; be it now enacted and established by the King's most excellent majesty, the lords spiritual and temporal, and the commons, in this present parliament assembled, and by the authority of the same, That from henceforth no wheriman or waterman that now is, or that hereafter shall be, and shall row upon the said river of *Thames*, and shall transport or carry any passengers or goods in any wherries, tiltboats or barges, (other than western barges, milboats, and all other vessels ordinarily serving for other uses than the carrying of passengers) shall retain or take any servant or apprentice to

What apprentice or servant a wheriman may take. His age. 6 H. 8. c. 7. 1 & 3 Ph. & M. c. 16.

What water-
men only may
retain servants
or apprentices,
and what
sort of persons
they may retain. *In part
repealed by
4 Annæ, c. 13.
f. 1.*

serve him as a waterman upon the said river, unless the said wherriman or waterman that so shall retain, take or have any such servant, shall have been an apprentice to a wherriman or waterman by the space of five years before such retaining: (3) and further, that no wherriman or waterman that now is, or that hereafter shall be, upon the said river of *Thames*, shall retain, have, keep or take any person or persons to serve him to row upon the said river, as his apprentice, unless the said person so to be retained or to become an apprentice, shall then be of the age of eighteen years at the least, and shall be retained and bound to his master to serve upon the said river, for and during the term of seven years at the least; (4) upon pain that every person or persons doing the contrary shall from time to time, for every such offence, forfeit the sum of ten pounds of lawful *English* money; the one half whereof shall be unto our said sovereign lord the King, his heirs and successors, and the other half unto any person or persons that will sue for the same in any of the courts of record of our said sovereign lord the King, his heirs or successors, by action of debt, suit, bill, plaint or information, in which no wager of law, essoin, protection, or other delay shall be admitted or allowed.

Wherrimens
sons excepted.

II. Provided always, That this act, nor any thing therein contained, shall extend to the son or sons which now are, or hereafter shall be, of any wherriman or waterman above-said (being of the age of sixteen years at the least, and of convenient growth and strength) that formerly hath been, or that hereafter shall be trained and brought up in rowing, or have or hath accustomed to row upon the said river, and there have used or shall use to transport or carry passengers from place to place; (2) but that all and every such son or sons shall and may from time to time from henceforth be admitted and allowed to serve, and may serve upon the said river, and there transport or carry passengers from place to place as an apprentice, as heretofore they have done; any thing in this act contained to the contrary in any wise notwithstanding.

The water-
mens orders
shall be read
twice in the
year.

III. And be it further enacted and established by the authority aforesaid, That the eight overseers or rulers of the society or company of wherrimen or watermen that now are, and that from time to time hereafter shall be, from henceforth twice in every year, that is to say, upon the first day of *September*, and upon the first day of *March*, shall openly read and publish, or cause openly to be read and published, in the hall or place of their common assembly, where they usually either have or hereafter shall appoint to assemble and meet together, all and every the constitutions and orders already made by them, or that at any time hereafter shall be made by the overseers and rulers, for the good or better ordering or government of the said wherrimen or watermen; (2) upon pain that every of them shall from time to time for every such

such offence forfeit to our said sovereign lord the King, his heirs and successors, the sum of six pound thirteen shillings and four pence of lawful *English* money; the one half whereof shall be to our sovereign lord the King, his heirs and successors, and the other half thereof unto any person or persons that will sue for the same in any of the King's majesty's courts of record, by action of debt, suit, bill, plaint or information, wherein no wager of law, essoin, or other delay shall be admitted or allowed. 2 & 3 *Pb. & Mar. c. 16.* 11 & 12 *W. 3. c. 21.* 4 *Anna. c. 19.* 2 *Geo. 2. c. 26.* 10 *Geo. 2. c. 31.*

CAP. XVII.

An act for the better execution of former laws touching the making of hats and felts, and for the more restraint of unskilful and deceivable workmanship therein used to the wrong of all sorts of the people of this realm.

WHEREAS in the parliament by prorogation holden at Westminster the last day of September in the eighth year of the reign of the late Queen Elizabeth, Queen of England, there was made one statute, intituled, An act for the true making of hats and caps; by one branch whereof it was enacted, that no person or persons, by him or herself, or any other, should, after the feast of the nativity of St. John Baptist then next coming, make or work any felt or hat, of or with any foreign wool or stuff, unless such person should first have been apprentice or covenant servant to such mystery of hat and felt making, by the space of seven years at the least; (2) upon pain to forfeit all such hats or felts as he should make or cause to be made, while he worketh contrary to the form of the said act, and five pounds in money for every month that he should so continue, as by the said act (amongst divers other things therein contained) more plainly may appear; (3) forasmuch as by the said act, no part of the forfeitures or penalties for such as set up and do exercise the said art of hat and felt making, and have not been apprentice or covenant servant thereunto by the space of seven years, (4) nor no penalty nor forfeiture at all for taking of apprentices or covenant servants contrary to the tenor of the said act, is given or appointed to any common person that would sue for the same; (5) the execution of the said act hath been wholly neglected, and the same in these two branches have been likewise transgressed, and divers persons that never were apprentices to the said art, and some that have served but only some few years therein, have taken upon them to set up and exercise the same art, and retained great number of apprentices, who daily go away from their masters, and before their terms be ended, and being unskilful, do make and put to sale great quantities of hats and felts very falsly and deceitfully made and wrought, to the great damage of his Majesty's most loving subjects:

None shall make felts or hats, but who hath been apprentice.

A rehearsal of the statute of 8 Eliz. c. 11.

II. For reformation whereof, be it enacted by the King's most excellent majesty, the lords spiritual and temporal, and the commons, in this present parliament assembled, and by the authority

Who shall have the forfeiture accruing by the statute.

of 8 Eliz. c. 11.
and this statute.

thority of the same, That from and after forty days next ensuing the end of this present session of parliament, the moiety or one half-part of all and every the forfeitures and penalties contained in the same former act, that shall arise or grow due after the end of the said forty days next ensuing the end of this session of parliament, and also the moiety or one half-part of all and every the forfeitures and penalties hereafter limited and appointed in and by this present act, shall be to our sovereign lord the King's majesty, his heirs and successors, and the other moiety or half-part thereof to such person or persons as will sue for the same, by action of debt, bill, plaint or information, to be commenced or brought or prosecuted in any court of record, wherein no essoin, protection, or wager of law shall be admitted or allowed for the defendant.

Who only
may be felt-
makers, and
who their
servants, and
how many.

III. And be it further enacted by the authority aforesaid, That no person or persons from and after the said forty days shall make, or cause to be made, any felt or hat, of or with any wool or stuff whatsoever, unless he or they shall have first served as apprentices in the foresaid trade or art of felt-making during the space of seven years at the least; neither shall they retain and set to work in the said art any other person or persons than journeymen that have lawfully served in that art, and apprentices lawfully bound in the said trade or art, nor above the number of two apprentices at one time, nor those for any less term than seven years; (2) upon pain to forfeit five pound for every month that he shall continue offending contrary to the true meaning of this act, and to be recovered to the uses and in manner aforesaid.

No stranger
shall be set on
work in mak-
ing of hats.

IV. And be it further enacted by the authority aforesaid, That no person or persons from and after the said forty days, shall retain or set on work in the said art of hat or felt-making, any person or persons born out of his Majesty's realms and dominions of *England, Scotland and Ireland*, upon pain to forfeit five pound for every month wherein such person or persons shall so offend contrary to the meaning of this act, and to be recovered to the uses and in manner and form aforesaid.

Hat-makers
sons.

V. Provided always, That nothing in this act or in the said former act contained shall extend to charge any person or persons lawfully exercising the said art, with any pain or forfeiture, for setting or using his or their own natural son or sons to the making or working of hats or felts, in his or their own house or houses, so as every such son or sons be bound by indenture of apprenticeship for the term of seven years at the least, which term shall not be to expire before he shall be of the full age of two and twenty years; any thing above said to the contrary notwithstanding.

Felt-makers
at the time of
this statute,
and their ser-
vants, may so
continue

VI. Provided always, and be it enacted by the authority aforesaid, That every felt-maker that now is, and by the space of one year last past before the beginning of this present parliament was, a maker or worker of felts, and being an householder, and all such as now are apprentices, covenant-servant or jour-
ney-

neyman in the same art or mystery of felt-making (so as the same apprentice serve the residue of seven years at the least) shall or may, during such person's natural life, continue making of hats and felts, albeit the same person were not bound apprentice to the same art for the space of seven years; any thing in this act or elsewhere to the contrary notwithstanding.

C A P. XVIII.

An act for avoiding of deceitful buying and spending corrupt and unwholsom hops.

FORASMUCH as of late great frauds and deceits are generally practised and used by foreigners, merchants, strangers and others in foreign parts beyond the seas, in the false packing of all foreign hops brought into this realm of England from foreign parts, by way of merchandize here to be uttered and sold, with leaves, stalks, powder, sand, straw and with leggets of wood, dross and other soil in very many sacks of hops for increase of the weight thereof, selling the same together for so much money as the hops are sold for, to the enriching of themselves by deceit: (2) by means of which false packing of foreign hops, the subjects of this realm have been of late years abused and deceived unto the value of twenty thousand pounds yearly at the least, besides the danger of the subjects healths, for that in many sacks of foreign hops there is not found scarce one third part to be good and clean hops, the rest being dross and soil:

The penalty for bringing into this realm corrupted hops, or for brewing with them.

Several falsehoods practised by strangers in packing of hops.

II. For reformation whereof, Be it therefore enacted by our sovereign lord the King, and by the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That if any foreigner, stranger, native Englishman, denizen, merchant or any other person or persons whatsoever, do at any time or times from or after the feast of St. Michael the archangel next coming after the end of this present session of parliament, bring or cause to be brought, into this realm of England, out from any other foreign realm or dominions from beyond the seas, any hops being deceitfully or corruptly unclean, corrupt or mixt with any powder, dust, dross, sand or any other soil whatsoever, that every person so offending therein contrary to this act, shall forfeit the same hops so brought into this realm.

III. And for the better avoiding of the danger of sickness by using of the false packed, unclean and corrupt hops; (2) be it therefore further enacted by the authority aforesaid, That if any brewer of beer or ale, or any other person which shall buy the same hops so brought from beyond the seas or growing within this realm, and shall employ and spend the same about the making or brewing of beer or ale to be sold, being unclean, corrupt or mixt with any powder, dust, dross, sand or any other soil whatsoever, every person so offending therein contrary to the intent of this act, shall in like sort forfeit for the same offence, the value of those hops so bought, employed or spent in brewing; (3) the one moiety of all which forfeitures shall be to our sovereign lord the King, his heirs and successors, the other

The forfeiture for brewing ale or beer to be sold with corrupt or mingled hops.

moiety thereof to him or them that will seize the same, or sue for the same by bill, plaint, information or action of debt in any of the King's courts of record; in which no essoin, protection or wager of law shall be allowed, &c.

IV. This act to continue to the end of the first session of the next parliament. 3 Car. 1. c. 4. Continued until the end of the first session of the next parliament, and farther continued by 16 Car. 1. cap. 4.

CAP. XIX.

An act for the well garbbling of spices. Repealed by 6 Anne, c. 16. s. 1.

CAP. XX.

An act for redress of certain abuses and deceits used in painting.

A plaisterer shall not use the occupation of a painter in London.

Incorporated by Queen Elizabeth.

Who only may occupy that mystery.

Searching of painting-work, and seizing the deceitful.

Plasterers do use the art of painters-stainers.

WHEREAS the art or mystery of painters is an ancient art and mystery, and hath time out of mind been an ancient company and fellowship within the city of London; (2) and of late upon due considerations, the freemen of the said city of that faculty, art or mystery (by letters patents under the great seal of England, dated at Westminster the nineteenth day of July in the three and twentieth year of the reign of Queen Elizabeth) were incorporate by the name of master, wardens and commonalty of the freemen of the art and mystery of painters, commonly called painters-stainers within the city of London and the suburbs and liberties of the same city: (3) and furthermore, by the said letters patents it is prohibited, enjoined and commanded, that no person or persons of whatsoever estate, degree or condition they were, should use, exercise or occupy the said art or mystery of painters, commonly called painters-stainers; or any work or works, colour or colours, painting or paintings in the said art or mystery occupied, unless such person or persons before that time had been brought up and instructed, or should from that time forwards be brought up and instructed, by or with some one person of the said art or mystery as an apprentice by the space of seven years at the least:

II. And whereas for the avoiding of deceit to be used in the said art or mystery of painting, the said late Queen by the aforesaid letters patents, did grant unto the said master and wardens, and to their successors, That they should have full power and authority for ever, to make or cause to be made due search of all and singular the works, colours, paintings and other things whatsoever to the said art or mystery of painting in any wise appertaining, or touching or concerning the same, as well upon the freemen of the said mystery as upon any person or persons whatsoever, selling, making or working the same within the city of London or the liberties or suburbs of the same: (2) and the said works, colours and paintings whatsoever so deceitfully made, to seize and take away, and the offenders therein to punish and correct, as by the same letters patents more at large it doth and may appear.

III. And whereas the plasterers within the city of London, of old time using nothing but lathing, dawbing, plaistering and liming, did and yet do procure thereby for themselves and their families a convenient living and maintenance: (2) yet not satisfied with that reasonable living that they do make of their said proper faculties and trades, where-

whereunto and wherein they have been brought up as apprentices, have now of late used and practised the art and mystery of painters-stainers, as well with oil-colours, as fixe-colours, and that since the making of the said letters patents more usually than in former times they have used or did; (3) whereby not only many of the said art and mystery of painters, who have well and honestly as apprentices to the same served for the space of seven years and upwards, and by their labours and industries have attained to the full and perfect skill and knowledge thereof, are not only disabled to get any competent living thereby, for the relief of themselves, their poor wives and children, but also for that the said plasterers, not having been trained up in the said art or mystery of painting, neither can or do make any such good work or such sure and perfect colours, as others having been trained up in the same trade and apprentices therunto, and yet utter the same for good and perfect colours, and being no freemen of the said company of painters-stainers, escape therefore unpunished, to the great abuse and deceit of his Majesty's most loving subjects, and whereby the said art or mystery of painting is likely in such sort in short time to decay, as that there will not be sufficient workmen of skill in and about the said city to serve in the said art his Majesty or any other his Majesty's subjects.

IV. For remedy whereof, Be it enacted by the authority of No plaisterer shall use the art of a painter-stainer in London, &c.

That from and after the twenty-ninth day of September which shall be in the year of our Lord God one thousand six hundred and six, next coming after the end of this present session of parliament, no manner of person or persons, being or pretending to be a plaisterer, or hereafter to become or to be a plaisterer, or being or which shall be a servant, or set on work by any plaisterer, shall use, exercise or set up the art, mystery or manual occupation of a painter, commonly called a painter-stainer, or any part thereof, in the city of London, or the liberties or suburbs of the same; or shall within the places aforesaid make any manner of work or works, or lay any manner of colour or colours, painting or paintings whatsoever, in the said art or mystery of painters-stainers aforesaid at any time heretofore occupied or used, unless he or they be or shall be the servant or servants, apprentice or apprentices of a painter, otherwise called a painter-stainer, or have served or shall serve as an apprentice or as apprentices by the space of seven years at the least to a painter, otherwise called a painter-stainer; (2) upon pain that every such person or persons as shall hereafter do or offend contrary to the true intent and meaning of this present act, shall forfeit for every time that he or they shall so do or offend, the sum of five pounds of lawful money of England; (3) the one moiety of all which forfeitures shall be to the King's majesty, his heirs and successors, and the other moiety to him or them that will sue for the same in any of the King's majesty's courts of record, by action of debt, bill, plaint or information; in which said suit, no essoin, protection or wager of law shall be admitted or allowed for the said defendant;

The forfeiture of an offender.

any

any law, usage or custom heretofore had or used to the contrary thereof in any wise notwithstanding.

What things a
plasterer may
use in his
work.

V. Provided nevertheless, That it shall and may be lawful so and for any of the company of plasterers, or their servants, or apprentices, to lay and use whitening, blacking, red-lead, red-oxar, yellow-oxar, and russet, mingled with size only, and not with oil; this present act or any thing therein contained to the contrary notwithstanding.

The day-wa-
ges of a
painter.

VI. Provided also, That no painter or painter's servant or apprentice shall have or take above sixteen-pence by the day for laying of any flat colour whatsoever, mingled or mixed with oil or size, upon any timber, stone, iron or lead.

CAP. XXI.

An act against brokers.

Sale of goods
purchased in
London, &c.
shall not alter
the property.

FORASMUCH as of long and ancient time by divers hundred years there have been used within the city of London and liberties thereof, certain freemen of the city, to be selected out of the companies and mysteries whereof they are free and members, and the same persons to be presented at least by six approved and known honest persons of the same mystery, to the lord mayor of London for the time being, and to the aldermen his brethren, and to be recommended by such presentors to be persons for their known honesty, integrity and faithfulness; persons meet for to be broker or brokers, and upon such relation made to the mayor and aldermen, and partly by their own knowledge and diligent enquiries made of the said persons, and of their honest fame, report, fidelity and skill, have been thereupon admitted, allowed and approved by the lord mayor of the city and aldermen in the court of aldermen, to be brokers within the said city and liberties of the same, and have taken their corporal oaths before the said mayor and aldermen, from time to time as they were so presented and admitted, so use and demean themselves uprightly and faithfully between merchant English and merchant strangers, and tradesmen, in the contriving, making and concluding bargains and contracts to be made between them concerning their wares and merchandises to be bought and sold and contracted for within the city of London, and monies to be taken up by exchange between such merchants and merchants, and tradesmen; and these kind of persons so presented, allowed and sworn to be brokers, as aforesaid, have had and born the name of brokers, and been known, called and taken for brokers, and dealing in brokerage or brakerie; (2) who never of any ancient time used to buy and sell garments, household-stuff, or to take pawns and bills of sale of garments and apparel, and all things that come to hand, for money laid out and lent upon usury, or to keep open shops, and to make open shows, and an open trade, as now of late years hath and is used by a number of citizens, assuming unto themselves the name of brokers and brokerage, as though the same were an honest and lawful trade, mystery or occupation, terming and naming themselves brokers, whereas in truth they are not, abusing the true and honest ancient name and trade of broker or brokerage.

The manner
to present and
allow of bro-
kers in Lon-
don.
Stat. Civ.
London. 13 E.
7. stat. 5.

The differen-
ces between
the ancient
and present
brokers.

The abuse of
brokerage in

II. And forasmuch as many citizens freemen of the city, being men of manual occupations and handicraftsmen, and others inhabiting and

remaining near the city and suburbs of the same, have left and given these later over, and daily do leave and give over, their handy and manual occupations, and have and daily do set up a trade of buying and selling and taking the pawn of all kind of worn apparel, whether it be old, or little the worse for wearing, household-stuff and goods, of what kind soever the same be of, finding thereby that the same is a more idle and easier kind of trade of living, and that there ariseth and groweth to them a more ready, more great, more profitable, and speedier advantage of gain, than by their former manual labours and trades did or could bring them.

III. And forasmuch as the said kind of counterfeit brokers, and Friperers and pawn-takers upon usury or otherwise for ready money, are grown of late to many hundreds within the city of London, and other places next adjoining to the city and liberties of the same, and are like to increase to for greater multitudes, being friperers, and no brokers, nor exercising of any honest and lawful trade, and within the memory of many yet living, such kind of persons tradesmen were very few, and of small number :

IV. And forasmuch as there are not any garments, apparel, household-stuff, or other goods of any kind whatsoever the same be of, either being stolen or robbed from any, or badly or unlawfully purloined or come by, but these kind of upstart brokers, under colour and pretence they be freemen of the said city of London, or inhabiting in Westminster, where they pretend to have the like overt market as the city of London, and thereby presuming to be lawful for them to use and set up the same idle and needless trades, being the very means to uphold, maintain and embolden all kind of bad and lewd persons, to rob and steal, and unlawfully to get and come by true mens goods, knowing and finding that no sooner the same goods can be stolen, or unlawfully come by, but that they shall and may presently utter, vent, sell and pawn the same to such kind of new upstart brokers, for ready money : (2) for remedy whereof, and for the avoiding of the said mischief and inconveniences, and for repressing and abolishing of the same idle and needless trades and upstart brokers, and for the avoiding of thefts, robberies and felonies, and bad people, and for the repressing of such kind of nourishers and aiders of thieves and bad people, and for the defence of honest and true mens properties and interests in their goods :

V. Be it enacted and declared by our sovereign lord the King, with the assent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That no sale, exchange, pawn or mortgage of any jewels, plate, apparel, household-stuff, or other goods, of what kind, nature or quality soever the same shall be of, and that shall be wrongfully or unjustly purloined, taken, robbed or stolen from any person or persons, or bodies politic, and which at any time hereafter shall be sold, uttered, delivered, exchanged, pawned or done away, within the city of London or liberties thereof, or within the city of Westminster in the county of Middlesex, or within Southwark in the county of Surrey, or within two miles of the said city of London, to any broker or brokers, or pawn-takers, by any way or means whatsoever, directly or

By what means upstart brokers do come by their goods.

The inconveniences ensuing by upstart brokers.

The sale of goods wrongfully gotten shall not alter the property of them.
Kelyng 50.

indirectly, shall work or make any change or alteration of the property or interest of and from any person or persons, or body politick, from whom the same jewels, plate, apparel, household-stuff or goods were or shall be wrongfully purloined, taken, robbed or stolen; any law, usage or custom to the contrary notwithstanding

VI. And for the better maintaining of true and honest dealing, and for the eschewing and avoiding of falshood, fraud and deceit, in such kind of brokers and pawn-takers :

A broker upon request shall declare what goods be come to his hands.

VII. Be it furthermore enacted and established by the like authority, That if any person or persons, or bodies politick, from whom any jewels, plate, apparel, household-stuff, or any kind of goods whatsoever, shall be wrongfully purloined, taken, stolen or robbed, shall require and demand of any such broker or pawn-taker to declare whether any such goods be come to his or their possessions, and to declare, shew and manifest the same, and how and by what means he had them, or came by the same, and how, when, and to whom he hath delivered, conveyed or bestowed and employed the same; and that such broker, upon any such request and demand to be made, shall deny and refuse to disclose, tell or manifest the same truly and justly, shall forfeit unto the true owner or owners of such jewels, plate, apparel, household-stuff and other goods, from whom the same were wrongfully purloined, taken, stolen or robbed, double the value thereof that shall be denied and refused to be disclosed, told and manifested, as aforesaid; the same double value to be recovered by the true owner or owners of such goods from whom the same were wrongfully purloined, taken, robbed or stolen, to be recovered by action of debt, bill or plaint, in any of the King's majesty's courts of record at *Westminster*, or within the city of *London*, in which no essoin, wager of law or protection shall be allowed.

The antient trade of brokers.

VIII. Provided always, That this act, nor any thing therein contained, shall not be prejudicial or hurtful to the ancient trade of brokers within the city of *London*, using and exercising the ancient trade of brokers between merchant and merchant or other traders or occupiers within the said city and the liberties of the same, being selected as aforesaid.

CAP. XXII.

An act concerning tanners, curriers, shoe-makers, and other artificers occupying the cutting of leather.

Enforced by
9 Annz, c. 11;
1. 10.
1 W. & M.
stat. 1. c. 33.
12 Geo. 2.
c. 25.

The duty of tanners, curriers, shoemakers, and of

WHEREAS the laws and statutes formerly established and made for the true and just tanning, carrying and working of leather, have not taken that good effect which was expected, as well for that divers of the said statutes did not sufficiently provide for the redress of those deceits and abuses which have been and are commonly practised by the tanners, curriers and workers of leather; (2) as for that other of the same statutes have been too sharp and rigorous, tying and binding the persons occupying the several mysteries or trades aforesaid, to divers inconveniences, and sundry matters and things impossible

fit for them to perform; by reason of which too much strictness and rigour, the same statutes have not been put in execution, but have been in effect wholly dispensed withal: (3) to the intent therefore that a reasonable and indifferent course for the true and well tanning, currying and working of leather, may be from henceforth established and appointed, and yet the persons using and occupying the several crafts and mysteries aforesaid may not be further or more strictly bound, restrained or limited, than the necessary regard of the commonwealth and general commodity of all sorts of subjects within this realm requireth:

5 & 6 Ed. 6. c. 15. 1 M. Sess. 3. c. 8. 5 Eliz. c. 22. 8 Eliz. c. 14. 18 Eliz. c. 9.
a Salk. 609. Mod. Cases in law 62: Lut. 181, 1409.

H. Be it enacted by the King's most excellent majesty, the lords spiritual and temporal, and commons, of this present parliament assembled, and by the authority of the same, That from and after the feast of *St. Bartholomew* the apostle next coming, no butcher by himself, or by any other person, shall gash, slaughter or cut any hide of any ox, bull, steer or cow, in slaying thereof, or otherwise, whereby the same shall be impaired or hurt, upon pain of forfeiture for every hide so gashed, slaughtered or cut, twenty-pence. (2) And that no butcher shall water any hide, except only in the months of *June, July* and *August*, nor shall offer or put to sale any hide being putrified or rotten, upon pain of forfeiture for every hide so watered, and for every hide so putrified or rotten, and offered or put to sale, three shillings and four-pence.

The penalty for gashing or watering of a hide, or selling a rotten hide.

III. And be it further enacted by the authority aforesaid, That no butcher or other person or persons, after the feast of *St. Bartholomew* next coming, shall kill any calf to sell, being under five weeks old, upon pain to forfeit for every calf so to be killed and sold, six shillings and eight-pence.

Killing of calves under five weeks old. Repealed by 22 & 23 Car. 2. c. 19. s. 13.

IV. And be it further enacted by the authority aforesaid, That no person or persons occupying the craft or mystery of a butcher, shall after the feast of *St. Bartholomew* the apostle next coming, occupy or use by himself, or any other person or persons, the feat, craft or mystery of a tanner, during the time that he shall use the craft or occupation of a butcher; upon pain of forfeiture of six shillings eight-pence for every day that he shall so use the feat, craft or mystery of a tanner.

No butcher shall be a tanner.

V. And be it further enacted by the authority aforesaid, That no person or persons shall from and after the feast of *St. Bartholomew* next coming, tan any leather, or shall use, take or have any profit, gain or commodity, of or by the said craft or mystery of tanning of leather, except such person or persons as had a tan-house at the beginning of this present session of parliament, and did then occupy the mystery of tanning of leather; (2) and except such as have been or hereafter shall be brought up, instructed or taught as apprentices, or covenant or lured servants for that purpose, by the space of seven years, in the mystery of tanning of leather: (3) and except the wife, and such son or sons of a tanner as hath been brought up, and hath used the

Who may be a tanner.

mystery

mystery of tanning of leather by the space of four years, or the son or daughter of a tanner, or such person who shall marry such wife or daughter, to whom he hath or shall leave a tan-house and fats; (4) upon pain of forfeiture of all such leather by him or them so tanned, or whereof he or they shall receive any profit or commodity by tanning, or the just value thereof.

No tanner
shall be a cut-
ter of leather.
Cro. Car. 387.

VI. And be it further enacted by the authority aforesaid, That no person or persons using the mystery of tanning of leather by himself, or by any other person or persons, from and after the said feast of *St. Bartholomew*, shall, during that time that he shall use the said mystery, occupy or use the craft or mystery of a shoemaker, currier, butcher, or of any other artificer, using or exercising cutting or working of leather; (2) upon pains to forfeit and lose all and every such hide and hides, skin and skins so by them or any of them wrought or tanned, during the time that he shall use the mystery or craft of tanning aforesaid, or the just value thereof.

Who may buy
rough hides
or calves-
skins.

VII. And be it further enacted by the authority aforesaid, That no person or persons after the feast of *St. Bartholomew* next coming shall bargain, buy, make any contract for, or bespeak any rough hide, or calve-skin in the hair, but only such person or persons as by virtue of this act may lawfully use the craft or mystery of tanning of leather, and shall tan the same, or such person or persons which shall tan the same, (except salt-hides for the necessary use of ships;) (2) upon pain to forfeit and lose all and every such hides and skins so bought, or the just value thereof: (3) and that no tanner or other person or persons shall forestall any hides coming towards any fair or market, nor shall buy any hide any other where than in open fair or market, unless it be of such person or persons as shall kill the same beast whereof the said hide shall be, for the provision of his or their own house or houses; (4) upon pain of forfeiture for every hide so forestalled or bought contrary to the true meaning of this present act, six shillings eight pence.

Forestalling of
hides.

Who may buy
tanned leather
not wrought.

VIII. And be it further enacted by the authority aforesaid, That no person or persons shall or may after the feast of the nativity of our Lord God next coming buy, sell, bargain, bespeak, or take promise to have, exchange, or put away any tanned leather, not wrought and converted into made wares, but only such person and persons as will and shall work and convert the same leather into made wares, upon pain of forfeiture of the leather so bought, sold, exchanged, or put away, or the value thereof.

Buying leather
at Lead-
en-hall in
London.

IX. Provided always, and be it enacted by the authority aforesaid, That all and every artificer, and other person and persons using to convert tanned leather into made wares, as well strangers born as others, may lawfully buy all kind of tanned leather, to make or convert the same into made wares, at *Lead-en-hall* in *London*, upon every *Monday*, the same being first duly searched, sealed and registered, as is hereafter limited.

Sadlers and
girdlers may

X. Provided also, That the sadlers and girdlers may sell their
necks,

necks, shouls of tanned leather red; without incurring any pain or forfeiture for the same.

sell their
necks, &c.

XI. And be it further enacted by the authority aforesaid, That after the said feast of St. Bartholomew next coming; no person or persons whatsoever, which shall after the said feast occupy or use by him or themselves, or by any other person or persons, the craft or mystery of tanning of leather, shall suffer any hide or skin to lie in the limes till the same be over-limed, nor shall put any hides or skins into any tan-fats, before the lime be well and perfectly tokened and wrought out of them and every of them; (2) nor shall use, employ, occupy, or put, by themselves or by any other person or persons, any thing or stuff in or about the workmanship of tanning of leather, but only ash-bark, oak-bark, tapwort, malt, meal, little, culver-dung or hen-dung; (3) nor shall willingly suffer his or their leather to be laid, or to hang, or to lie wet in any frost, until the same be frozen; (4) nor shall dry or parch the said leather with the heat of the fire, or of the summer-sun; (5) nor shall tan, or cause to be tanned any hide or skin being purrified or rotten by long lying, either before the putting of it into the limes, or after in the water or liquor, or by any other means; (6) nor shall suffer the hides for utter sole-leather to lie in the woozes any less time than twelve months at the least; (7) nor the hides for upper-leathers in the like woozes any less time than nine months at the least; (8) nor shall negligently work the hides in the woozes, but shall renew and make strong their woozes, as often as shall be requisite; (9) nor shall after the said feast of St. Bartholomew put to sale any tanned hide or skin, which shall be after the said feast wrought and tanned in any other sort than by this statute is limited and appointed; (10) upon pain of forfeiture of every ox-hide, bull-hide, steer-hide, cow-hide, or skin tanned or wrought, and offered to be put to sale, contrary to the true meaning of this present act, or the just value thereof.

How hides
shall be used
in tanning.

XII. And forasmuch as much damage hath redounded to the commonwealth, by reason that divers tanners for their private lucre have used to convert to sole-leather such hides as are altogether insufficient for that use, which hides they do raise in the workmanship by divers mixtures, thereby making the same to seem very strong and substantial leather, whereas the same doth in the wearing prove hollow, deceitful, and altogether unprofitable for the commonwealth:

XIII. Be it enacted by the authority aforesaid, That no person or persons, using or which hereafter shall use the craft or mystery of tanning of leather, shall after the said feast of St. Bartholomew next coming, raise with any mixtures any hide, to be employed and converted to backs, bend-leather, clouting-leather, or any other sole-leather, except the same hides be for largeness, state and growth, fit and sufficient for that use and purpose, the same to be tried by the triers hereafter in this present act to be appointed; (2) upon pain of forfeiture of all such

Raising of
hides with
mixtures.

hides

Sale of tanned
leather red and
unwrought.

hides which shall be raised and converted to sale leather contrary to the true meaning of this present provision.

XIV. And be it further enacted by the authority aforesaid, That from the said feast of St. *Bartholomew* next coming, no person or persons whatsoever shall put or cause to be put to sale, exchange, or otherwise depart with any kind of tanned leather red and unwrought, but in open fair or market in the places therefore commonly accustomed, and therefore prepared, unless the same leather have been before lawfully searched and sealed in some open fair or market, or other place lawfully appointed to and for the searching and sealing of leather; (2) nor shall after the said feast offer or put to sale any tanned leather red and unwrought, before the same be searched and sealed according to the laws and order of this statute hereafter mentioned; (3) upon pain of forfeiture for every hide or piece of leather so sold, exchanged, or otherwise departed with, contrary to the true meaning of this act, six shillings eight pence, and for every dozen of calves-skins or sheep-skins, three shillings four pence, and the hide or hides, skin or skins, and leather in any other wise sold, exchanged or bought, or the value thereof.

Altered by
4 Jac. 1. c. 6.
f. 2.

Leather not
sufficiently
tanned or
dried.

XV. And be it further enacted by the authority aforesaid, That if any person or persons using, or which shall use, the mystery or faculty of tanning, shall at any time or times hereafter offer or put to sale any kind of leather which shall be insufficiently or not thoroughly tanned, or which shall not then have been after the tanning thereof well and thoroughly dried; so that the same by the triers of leather lawfully appointed according to this present act, for the time being, shall be found to be insufficiently or not thoroughly tanned, or not thoroughly dried as aforesaid; That then all and every such person and persons so offending shall forfeit and lose so much of his or their said leather as shall be so found insufficiently and not thoroughly tanned, or not thoroughly dried as aforesaid; that is to say, the whole hide, back or skin, or other piece of leather, if the whole be insufficiently or not thoroughly tanned, or not thoroughly dried: (2) and if the whole hide, back, skin, or other piece of leather be not sufficiently or not thoroughly tanned, or not thoroughly dried, then only so much of the hide, back, skin, or other piece of leather, as shall be insufficiently or not thoroughly tanned, or not thoroughly dried; the same to be cut out by the oversight, discretion and direction of the triers hereafter in this act to be appointed, upon the oaths of the said triers.

Crafty means
to overhasten
the tanning of
leather.

XVI. And whereas divers tanners for greediness of gain do overmuch hasten the tanning of their leather, and for that purpose do use divers crafty and subtle practices, sometimes laying their leather in their fats, set in their old tanbills, where it may be tanned in the hot woozes, taking unkind heat in the same bill, and sometimes by putting of hot woozes into their tan-fats where the same hides or leather lie, by which and other like fraudulent practices they make their leather to seem both fair and well and sufficiently tanned, within a very short space:

XVII. For

XVII. For reformation whereof, be it enacted by the authority aforesaid, That after the said feast of St. *Bartholomew* next coming, no person or persons shall set their fats in tann-hills, or other places, where the woozes or leather that shall be put to tan in the same, shall or may take any unkind heats, or shall put any leather into any hot or warm woozes, or shall tan any hide, calve-skin or sheep-skin, with any hot or warm woozes whatsoever; (2) upon pain that every person so offending shall forfeit for every such offence ten pounds and shall also for every such offence stand upon the pillory three several market-days in the market-town next to the place where the said offence shall be committed.

Leather shall not take unkind heats.

XVIII. And forasmuch as bark is of late become very dear and scarce, which happened partly by reason that divers persons do ingross and buy great quantities thereof, and then do sell the same again at excessive and unreasonable prices, and partly by the unseasonable selling of oak out of the barking-time:

XIX. Be it enacted by the authority aforesaid, That no person or persons shall regrade, ingross or get into his or their hands by buying, contracting or promise-taking, any oaken bark, before it be stripped, or after, to the intent to sell the same again; (2) upon pain of forfeiture of all such barks so by him or them regrated, ingrossed or bought, contrary to the true meaning of this present branch, or the full value thereof:

There shall be no regrating or ingrossing of oaken bark.

XX. And be it further enacted by the authority aforesaid, That no person or persons shall from and after the said feast of St. *Bartholomew* next coming, fell or cause to be felled any oaken trees meet to be barked, where bark is worth two shillings a cart-load, over and above the charges of barking and piling, (timber to be employed to and for the necessary and needful building or reparation of houses, ships or mills, only excepted) but between the first day of *April* and the last day of *June*; upon pain of forfeiture of every such oaken tree so felled; or the double value thereof.

At what time oaken trees to be barked shall be felled.

XXI. And for the better preservation of timber, which by the takers of timber is spoiled through the greedy desire of gain of the lops, tops or bark of timber-trees; be it therefore enacted by the authority aforesaid, That no taker or takers, purveyor or purveyors of timber, or his or their deputy or deputies, shall fell or cause to be felled for the use of the King's majesty, his heirs or successors, any oaken timber tree or trees meet to be barked, but in barking time, (trees to be felled for the needful and necessary building or repairing of any his Majesty's houses or ships only excepted;) (2) or shall in any wise take or receive any manner of profit, gain or commodity by any lops, tops or bark of any trees, to be taken by them or any of them; (3) or shall in any wise take carry away, give, sell or dispose from the owner, any more of any tree to be taken as is aforesaid, than only the timber of the same tree or trees to be used and bestowed, or employed only in, upon or about the King's majesty's buildings or ships; (4)

When purveyors shall fell timber.
12 Car. 2. c. 24.

No taking of lops.

upon

upon pain of forfeiture to the party grieved, for every tree, and for the lops, tops or bark of every tree, taken contrary to the meaning of this article, forty shillings; (5) and that it shall be lawful to the party of whom such tree or trees shall be taken, or to any other for and in his name, to take, retain, withhold and keep to himself all the bark, lop and top of such tree or trees, any commission or other matter whatsoever notwithstanding.

Currying of leather.

XXII. And forasmuch as no leather can be so well tanned, but it may be marred in the currying, be it therefore enacted by the authority aforesaid, That from and after the feast of St. Michael the archangel next coming, no person or persons shall curry any kind of leather in the house of any shoemaker or other person, but only in his own house situate in a corporate or market-town; (2) nor shall curry any kind of leather, except it be well and perfectly tanned; (3) nor shall after the said feast of St. Bartholomew curry any hide or skin being not thoroughly dry, after his wet season, in which wet season he shall not use any stale urine, or any other deceitful or subtle mixture, thing, way or means, to corrupt or hurt the same; (4) nor shall curry any leather meet for utter-sole-leather with any other stuff than with hard tallow, nor with any less of that than the leather will receive; (5) nor shall curry any kind of leather meet for over-leather and inner soles, but with good and sufficient stuff, being fresh and not salt, and thoroughly liquored till it can receive no more; (6) nor shall burn or scald any hide or leather in the currying; (7) nor shall shave any leather too thin; nor shall gash or hurt any leather in the shaving, or by any other means; (8) but shall work the same sufficiently in all points and respects: upon pain of forfeiture for every such offence or acts done contrary to the true meaning of this article (other than in gashing or hurting in shaving) six shillings eight pence, and the value of every such skin or hide marred by his evil workmanship; (9) and for every offence to be done against this article in gashing or hurting by shaving, double so much to the party grieved, as the leather shall be impaired thereby, by the judgment of the wardens of the curriers, and the wardens of the company whereof the party grieved shall be.

The carrier's forfeiture for misusing of leather.
s Salk. 609.

Who shall curry leather in or near London.

XXIII. And be it further enacted, That no cordwainer, shoemaker, or other person or persons dwelling or inhabiting within the city of London or the liberties of the same, or dwelling within three miles of the said city, and occupying wet curried leather in his art or occupation, shall put or cause to be put any leather to be curried, but to such person or persons as be or shall be free of the company of the curriers of the city of London, upon pain of forfeiture of all such curried leather or the value thereof. Rep. 12 Geo. 2. c. 25.

Curried leather shall be searched and sealed.

XXIV. And be it further enacted, That no person or persons shall by any means occupy or put in any made wares within the city of London, or three miles of the same city, any curried leather, before the same shall be searched and allowed by

by the wardens of the curriers of *London* for the time being, or *Enforced by* such persons as they shall thereto assign, and be sealed with a ^{13&14Car.2.} seal therefore to be prepared; (2) upon pain that every shoemaker, and other artificer-cutter of leather, offending against this article, shall forfeit for every hide or skin otherwise curried or-imploied as is aforesaid, six shillings eight pence, and the value of every such hide or skin. *Rep. 12 Geo. 2. c. 25.*

XXV. And be it further enacted, That no person occupying the feat or mystery of a currier, shall use or exercise the feat or mystery of a tanner, cordwainer, shoemaker, butcher or other artificer using cutting of leather, during the time that he shall so use or occupy the mystery of a currier; (2) upon pain of forfeiture of six shillings and eight pence for every hide or skin that he shall curry, during the time that he shall occupy or use any of the mysteries aforesaid contrary to the meaning of this article.

A currier shall not be tanner shoemaker, butcher, &c.

XXVI. And further be it enacted, That no currier or curriers shall after the said feast of St. *Bartholomew* refuse to curry any leather to him or them for that purpose brought, by any such artificer as is or shall be a cutter of leather, the same artificer or his servant bringing with him or them good and sufficient stuff as is before mentioned, for the perfect liquoring of the same leather, and that the said leather in the presence of the said artificers, cutters of leather, his servant or servants (if he or they will be present) shall be liquored and curried in all things and degrees perfectly; and if he or they will not be present, it shall nevertheless be likewise liquored and curried in his or their absence perfectly, with as convenient speed as may be, not exceeding eight days in the summer, and sixteen days in the winter, after he shall or may take it in hand; (2) upon pain to forfeit to the party grieved, for every hide or piece of leather not in this manner curried, and well and speedily dressed, ten shillings.

Within what time leather shall be curried.

XXVII. And be it further enacted by the authority aforesaid, That the wardens of the curriers for the time being, or such persons as they shall assign and appoint, shall from time to time search and try all such curried leather as shall be brought to any of their company to be curried, and shall with a seal therefore to be prepared, with convenient speed, not exceeding one day after the currying and request made, seal such leather as they shall find sufficiently curried; (2) taking for every hide so sealed, after the rate of a penny for the dicker, and for every six dozen of calves-skins, one penny, and not above, to be paid by the currier; (3) upon pain of forfeiture for every hide which shall not be searched and sealed as is aforesaid, six shillings and eight pence.

Curried leather shall be searched and sealed.

XXVIII. And forasmuch as leather well tanned and curried, may by the negligence, deceit, or evil workmanship of the cordwainer or shoemaker, be used deceitfully, to the hurt of the occupier or wearer thereof; (2) be it further enacted by the authority aforesaid, That no person or persons, which after the said feast of St.

The cordwainer's duty in making of boots, shoes, buskins, slippers, &c.

Bartholomew next coming shall occupy the mystery or occupation of a cordwainer or shoemaker, shall make or cause to be made any boots, shoes, buskins, startops, slippers or pantofles, or any part of them, of *English* leather wet curried, (other than deer-skins, calve-skins or goats-skins, made or dressed or to be made or dressed like unto *Spanish* leather) but of leather well and truly tanned and curried in manner and form aforesaid, or of leather well and truly tanned only, and well and substantially sewed with good thread well twisted and made, and sufficiently waxed with wax well softened, and the stiches hard drawn with hand-leathers, as hath been accustomed, without mixing or mingling over-leathers, that is to say, part of the over-leather being of neats-leather, and part of calves-leather; (3) nor shall put into any part of any shoes, boots, buskins, startops, slippers or pantofles, any leather made of a sheep-skin, bull-hide or horse-hide, (4) nor into the upper leather of any shoes, startops, slippers or pantofles, or into the nether part of any boots (the inner part of the shoe only excepted) any part of any hide from which the sole-leather is cut, called the wombs, neck, shank, flank, powle or cheek; (5) nor shall put into the utter-sole any other leather than the best of the ox or steer hide; (6) nor into the inner-sole any other leather than the wombs, neck, powle or cheek; nor in the trespels of the double soled shoes, other than the flanks of any the hides aforesaid; (7) nor shall make or put to sale in any year, between the last of *September* and the twentieth of *April*, any shoes, boots, buskins, startops, slippers or pantofles, meet for any person to wear exceeding the age of four years, wherein shall be any dry *English* leather, other than calves-skins or goats-skins, made or dressed or to be made or dressed like unto *Spanish* leather, or any part thereof; (8) nor shall shew, to the intent to put to sale, any shoes, boots, buskins, startops, slippers or pantofles upon the *Sunday*; (9) upon pain of forfeiture for every pair of shoes, boots, buskins, startops, slippers and pantofles, made, sold, shewed or put to sale, contrary to the true meaning of this act, three shillings and four pence, and the just and full value of the same.

No sale or shewing of boots, shoes, &c. upon the Sunday.

XXIX. And be it further enacted for the true execution of this statute, That the master and wardens of the several mysteries of cordwainers, curriers, girdlers and sadlers of the city of *London* for the time being, by what name or names soever they be incorporated or intituled, or the more part of the said master and wardens of every of the said several mysteries, upon pain to forfeit forty pounds for every year that they make default, the one half thereof to be to the King's majesty, his heirs and successors, and the other half to him or them that will sue for the same; (2) shall by virtue of this act four times in the year at the least, that is to say, once every quarter of the year, or oftener if need require, as they shall think good, make true search and view of and for all boots, shoes, buskins, and other wares and things whatsoever made of tanned leather, in

all and every house and houses, place and places, privileged or not privileged, as well within the city of *London* and suburbs thereof, as in every other place within three miles of the same city, where any shoemaker, saddler, girdler, currier, or other artificer using cutting, working or dressing of leather, doth or shall dwell, or occupy any of the occupations of cutting, working or dressing of leather, whether the same boots, shoes, wares, stuff, and other things be made of tanned leather, and be wrought according to the purport, effect and true meaning of this statute, or not : (3) and that it shall and may be lawful to and for the said several masters and wardens of the said several mysteries which shall be for the time being, to take, seize and carry away to their several common halls, all such boots, shoes, wares, stuff or other things, which the said several masters and wardens shall find in their several searches insufficiently made, hurried or wrought.

Wares made and tanned leather in or near London shall be searched.

Explained by
1 W. & M.
sess. 1. c. 33.
f. 3.

Wares of leather that be insufficient may be seized and carried away.

XXX. Provided always, That none of the said several masters and wardens of the said several companies of cordwainers, carriers, girdlers or saddlers, shall search any person or persons, but such as use and exercise the mystery or occupation of the said master and wardens ; (2) and that the coach-makers dwelling within the said city of *London*, or three miles from the same, shall be under the survey and search of the master and wardens of the company of the saddlers of *London*.

Who may search and be searched.

XXXI. And be it further enacted, That the said mayor of the city of *London* and the aldermen for the time being, upon like pain of forty pounds likewise to be levied and employed, shall likewise yearly appoint eight of the most substantial, honest and expert persons, being freemen of some of the companies of cordwainers, carriers, saddlers or girdlers within the city of *London*, whereof one shall be a sealer, and keep a seal for the sealing of leather, to be prepared, who shall also be sworn before the said mayor and aldermen for the time being, to do their office truly ; (2) which said searchers and sealers shall view and search all and every tanned hide, skin or leather, which shall be brought as well to the market at *Leaden-hall*, as to any other lawful fair or market therefore usually appointed within three miles of the said city, whether the same be sufficiently and thoroughly tanned and thoroughly dried, according to the purport and true meaning of this statute, or no ; (3) and finding it sufficiently and thoroughly tanned and thoroughly dried, in such manner and form as by this statute is appointed, shall seal the same with the said seal.

Searchers and sealers of leather shall be appointed by the mayor, &c. of London ; and their authority.

XXXII. And be it further enacted by the authority aforesaid, That all mayors, bailiffs, and other head officers for the time being, in all other cities, boroughs and market-towns of this realm, and all lords of liberties, fairs and markets out of the circuit or compass of the said three miles, shall upon like pain of forty pounds likewise to be levied and employed every year that they make default therein, appoint and swear yearly

Searching and sealing of leather in all other parts of the realm.

two, three or more persons, of the most honest and skilful men within their severall offices or liberties, by their discretion, to search and view within the precinct of their said offices, liberties and authorities, (2) which shall, as often as they shall think good, or need shall be, make like search within their limits, and shall have a mark or seal prepared for that purpose: and that the said searchers, or one of them, shall keep the same seal or mark, and with the same shall seal and mark such leather as they shall find sufficient, and no other: (3) and if the said searchers, or any of them, do find any leather sold or offered to be sold, or brought to be searched or sealed, which shall be tanned, wrought, converted or used contrary to the true intent and meaning of this statute, or any leather insufficiently curried, or any boots, shoes, bridles, or any other thing made of tanned or curried leather, insufficiently tanned, curried or wrought, contrary to any provision in this present act, it shall be lawful to the said searchers, or any of them, to seize all such leather, shoes or other wares made of leather; (4) and to retain the same in their custody, until such time as the same be tried by such triers, and in such manner and form, as is hereafter in this statute appointed.

Six triers of leather shall be appointed in London.

XXXIII. And to the end there may be an indifferent and equal course established for the trying of all such leather, boots, shoes, and other wares made of leather, as shall be seized by virtue of this act; (2) be it enacted by the authority aforesaid, That the mayor of the city of *London* for the time being, within six days after notice to him given of any seizure made of any leather, red and unwrought, within the jurisdiction of the said city, or three miles distant from the same, either by the owner or owners, or by the seizers of the said leather, shall elect and appoint six honest and expert men, whereof there shall be of the better sort of the company of cordwainers of *London* two, of the better sort of the curriers of *London* two, and other two of the better sort of tanners using *Leaden-hall* market, who shall be no kin or of affinity to the said owner or owners; (3) who upon their corporal oaths to be taken before the said mayor, shall on the second or third market-day at the furthest, to be holden upon the *Monday* for leather next after the said seizure, in the afternoon of the same day (to the intent the owner or owners may conveniently be present) enquire, straitly examine and try, whether the said leather so seized shall be sufficient and serviceable, or not, according to the intent and true meaning of this present act.

Triers of tanned leather in other places.

XXXIV. And be it further enacted, That every other mayor, bailiff or other head officer or lord of liberty, or his sufficient deputy, out of the said compass of the said three miles, within whole precincts or liberties any such seizure of any kind of tanned leather, red or curried, or of any shoes, boots or other wares made of tanned leather, shall happen to be, shall with all convenient speed, after notice unto him given of any such seizure, appoint six honest and expert men to try whether the

the same leather, boots, shoes or other wares so seized, be sufficient and according to the true intent of this statute, or not; the same trial to be made openly upon some market-day, and within fifteen days at the furthest next after such seizure made, upon the oaths of the said triers.

XXXV. And be it further enacted by the authority aforesaid, That if the said mayor of the city of *London* for the time being, or any other mayor, bailiff, or other head officer of any other city, borough, corporate or market-town, or any lord of any liberty, fair or market, shall make default in the nomination or appointment of any of the aforesaid triers to be nominated and appointed in such manner and form as is before ordained; That then every such mayor, bailiff or other head officer, or lord of liberty, fair or market, making such default, shall forfeit and lose for every such default five pounds; the one moiety thereof shall be to the King's majesty, his heirs or successors, and the other half to him or them that will sue for the same, in any of the King's majesty's courts of record, by bill, plaint, information or otherwise: (2) and that the said persons so elected and appointed for trial of the said leather, shoes, boots or other wares made of tanned leather, so to be seized as aforesaid, shall proceed and do their duties therein without delay, according to the true intent and meaning of this present act; (3) upon pain that every of them making default therein, shall for every such several default forfeit and pay five pounds.

The forfeiture of chief officers for not appointing triers.

XXXVI. And be it further enacted, That four of the said eight searchers and sealers so to be appointed within the said city of *London* as aforesaid, shall be at the end of every year changed and removed, and so many new chosen in their rooms and places; (2) and that no person or persons shall remain, continue or be in the said office of searching or sealing of leather within the said city of *London*, above the space of two years together; (3) and he or they which shall serve or be employed in the said office of searching and sealing of leather two years, shall not in the said office be chosen, serve or employed again, until the end of three years at the least then next following; (4) upon pain that every person offending or doing the contrary, shall forfeit and lose for every month that he shall so contrarily use and exercise the said office, ten pounds.

The searchers and sealers of leather shall be changed yearly in *London*.

XXXVII. And be it further enacted by the authority aforesaid, That if any searcher or sealer of leather shall refuse with convenient speed to seal any leather sufficiently tanned, wrought and used, according to the true meaning of this present act, or do allow that which shall be insufficient; That then every searcher and sealer shall forfeit for every such offence forty shillings: (2) and further, That if any searcher of leather shall receive any bribe, or exact any other fee for the execution of his said office than is by this present statute limited, for the searching, sealing and registering of leather, that then every such searcher or sealer so offending shall forfeit for every such offence twenty pounds: (3) and that if any person or persons

The forfeiture of a searcher or sealer omitting his duty, or taking of bribes. Skin. 366.

duly elected according to the true meaning of this present act, to and for the execution of the said office of searching or sealing of leather, refuse to execute the said office, that then the said person or persons so refusing shall forfeit and pay ten pounds.

Leather brought to Leaden-hall to be viewed and registred.

XXXVIII. And be it further enacted by the authority aforesaid, That all red tanned leather which shall be brought into the city of *London* or within three miles compass from the same, whether it be to be sold, or be bought before-hand, or no, shall be brought to *Leaden-hall* before it be housed in his or their own houses, and there viewed whether it hath been searched or sealed, or no, and shall also be registred by the searchers to be appointed as is aforesaid, with half such fees to be paid for such of the said tanned leather as shall be bought out of the said city of *London* or three miles compass from the same, and shall be duly searched and sealed before it be brought within the said city, as is hereafter expressed for leather to be sold in *Leaden-hall*; (2) upon pain that every person housing, or not bringing his leather to *Leaden-hall* as is aforesaid, shall forfeit for every hide or skin six shillings eight pence. (3) Provided; That this article shall not extend to any leather to be bought in *Bartholomew-fair*, or *Southwark-market*, being searched, sealed and registred according to the true meaning of this act.

Leather bought in Bartholomew fair or Southwark market.

Searching and sealing of leather in or near London.

XXXIX. And be it also further enacted by the authority aforesaid, That no tanned leather shall be sold within the city of *London* or three miles distant from the same before the same have been searched and sealed by the searchers and sealers, by virtue of this act to be appointed to and for the searching and sealing of leather within the said city and three miles distant from the same, upon pain of forfeiture of all such tanned leather otherwise sold or the full value thereof.

The penalty for denying of search or seizing of insufficient wares.

XL. And also be it further enacted, That if any person will after the said feast of *St. Bartholomew* next coming, wilfully withstand or deny any such search to be made according to the tenor of this act as is aforesaid, or will not suffer the said several masters and wardens of the several companies of cordwainers, carriers, girdlers or sadlers or other searchers so appointed, to enter into his or their house or houses or other place, to view and search at their will and pleasure, all manner of tanned leather and all manner of shoes, boots, mails, saddles, coach-coverings and harness, and all manner of wares wrought and made or to be wrought and made of leather, and to seize and carry away all such leather, shoes and wares as they shall find insufficiently tanned, carried or wrought or made of ill stuff; that then all and every such person or persons so denying and withstanding, and not suffering the said masters and wardens, and searchers, or any of them, so appointed for the time being, to enter and make search, and seize as aforesaid, shall lose and forfeit for every time so denying and withstanding, five pounds.

Registring of leather sold and bought, and the fees thereof.

XLI. And be it further enacted, That such person and persons, as hereafter shall be assigned and appointed searchers and sealers of tanned leather by virtue of this act, shall within the

the limits and precincts of every of their searches keep one book or register, wherein they shall enter all such bargains as shall be made for leather, hides or skins, by any person or persons, during and by all the time of the fair or market, being thereunto required by the buyer or the seller, and also the prices of such leather bought and sold, with the names and dwelling places of the buyer and seller; (2) taking for the searching, sealing and registering of every ten hides, backs or butts of leather, with the necks, wombs and dibblings, or other pieces or offal cut off from the said backs or butts of leather, of the seller of every such ten hides, backs or butts of leather so entred, two pence; and so after the rate; and for every six dozen of calves-skins or sheep-skins, two pence; and of the buyer, after the same rate and no more, greater, or other sum or sums of money to be paid for searching, sealing or entering of any tanned leather.

XLII. And be it further enacted by the authority aforesaid, That no person or persons shall, after the said feast of *St. Bartholomew* next coming, sell, exchange, or put away, or cause to be sold, exchanged or put away, any manner of tanned leather, red and unwrought, except he or they register or cause to be registered the said tanned leather, and every part and parcel thereof, and the price thereof; (2) upon pain of forfeiture of the value of the leather so sold, exchanged or put away, and not registered.

The penalty for selling of tanned leather not registered.

XLIII. And be it further enacted by the authority aforesaid, That that it shall not be lawful to or for any person or persons to buy any tanned leather before the same shall be searched and sealed, nor to carry or cause to be carried out of the fair or market any leather, till it be registered as aforesaid; (2) upon pain to forfeit the said leather or the value thereof so bought, and not searched and sealed, or carried away and not registered.

The penalty for buying of leather not sealed or registered.

XLIV. And be it further enacted by the authority aforesaid, That if any currier within the said city of *London* or three miles compass of the same, after the feast of *St. Bartholomew* next coming, do curry any leather insufficiently tanned, or after the said feast do not curry such leather as he doth or shall curry, substantially and well, according to the meaning and purport of this act; (2) or if any shoemaker, cordwainer or cobbler within the city of *London* or three miles compass of the same, after the said feast of *St. Bartholomew* next, put any tanned leather into any shoes, boots, buskins, startops, slippers, pantofles or other things made of tanned leather, which shall not be well and perfectly tanned according to the purport and true meaning of this act; (3) or after the said feast do put any curried leather into any boots, buskins, startops, shoes, slippers, pantofles or other things made of leather, which shall not be well and sufficiently tanned and curried, and also sealed as is aforesaid; (4) or do make boots, buskins, shoes, startops, slippers, pantofles or other things made of *English* tanned leather, in other manner than is above specified and ordained: (5) or if any shoemaker,

The penalty of the currier or cordwainer omitting his duty.

Mod. Cases in law 165.

seller or other artificers, using cutting or working of leather do make any wares of any tanned leather insufficiently tanned, or of tanned or curried leather, being not sufficiently tanned and curried as is aforesaid, (6) or do not make their wares belonging to their several occupations sufficiently and substantially: (7) that then every person so offending shall forfeit for every such several offence or default, the said wares and the just value thereof.

No selling of wares in London but in open shop, fair or market.

XLV. Provided always, and be it enacted, That no manner of person or persons shall after the said feast of *St. Bartholomew* utter or sell, or cause to be uttered or sold, within the said city of *London* or within three miles compass of the same, any manner of wares appertaining to the craft or mystery of any artificer using cutting of leather, but only in open shop, common fair or market, whereby the said wardens may have the true search of the same; (2) upon pain of forfeiture of all such wares so sold, and ten shillings for every time.

All cutters of leather in or near London shall be under search.

XLVI. Provided alway, and be it enacted, That all and every person and persons whatsoever now being, or that hereafter shall be, free of the said city of *London*, of what company soever, and all foreigners, *English*, or aliens and strangers born, dwelling or inhabiting, or which hereafter shall dwell or inhabit, within the city of *London* or three miles compass of the same, as well within places privileged as not privileged, using or exercising any manual occupation of cutting or working of leather into made wares, shall be under the survey and search of the masters and wardens of such companies of the said city of *London*, as the artificers commonly using the same mystery or occupation, being freemen of the city of *London* and of the same company, be, touching or concerning only their wares and stuff made of or with leather, in like manner and form as other freemen of the same company be or shall be, (2) and shall contribute and pay to the several masters and wardens of the said several companies for the time being within the said city, as the artificers using the same mystery, being freemen of the said city and of the same several companies, shall contribute and pay; the same to be recovered by distress or action of debt; in any of the King's majesty's courts of record; in which no wager of law for the defendant to be allowed; (3) all which pains, penalties and forfeitures aforesaid, of sums of money aforesaid, (except such pains, penalties and forfeitures, as are before, or hereafter by this act shall otherwise be disposed) shall be divided into three equal parts; one part whereof shall be to our sovereign lord the King, his heirs and successors, and another part to him or them that shall first sue for the same in any of the courts of record of the King's majesty, his heirs and successors, by action of debt, bill, plaint, information or otherwise; in which suit no wager of law or essoin shall be admitted or allowed; and the third part thereof shall go to the city, borough, town or lord or lords of liberties, where the offence shall be committed or done: (4) and all such leather, shoes, boots, buskins, startops, slippers,

Who shall have the money forfeited by this statute.

pers, pantofles, wares, stuff and other things whatsoever, made of tanned leather or curried leather, which shall be seised by virtue of this act, and shall be found by the triers to be appointed as is aforesaid, or by the masters and wardens of the several companies aforesaid, to be insufficient, shall be forfeited and distributed as hereafter followeth: That is to say, such leather or stuff so seised within the city of *London* or within three miles compass of the same, to be brought to *Guild-hall* in *London*, there to be prized by indifferent persons, and the value thereof to be divided into three parts; whereof one part to be to the first seisor and seisors of the said unlawful stuff, and another part to the use of the chamber of *London*, and the other part to be distributed to the poor folks, as well being within the new hospital of *St. Bartholomew's* in *London*, as to such poor householders as shall be inhabiting within the city of *London* or the circuit aforesaid, at the discretions of such persons as the mayor of the said city and four aldermen of the same for the time being, shall appoint for the same: (5) and that all such leather, boots, shoes, saddles, wares, stuff and things made of or with leather as is aforesaid, which shall be found within any other city, borough, town or place within this realm, out of the said city of *London* and three miles compass, insufficiently wrought, tanned or curried as is aforesaid, and shall be seised and tried to be forfeited in manner and form aforesaid, shall be brought to the common hall of every such city, borough and town, or to some convenient and open place to be appointed by the lord of the liberty or his deputy, where no common hall is, there to be prized as is aforesaid: (6) one part of the said value thereof to be disposed unto the poor, and in other deeds of charity in those parts, after the discretion of the mayors, bailiffs, headboroughs, and lords of liberties; another part to be delivered to the mayors, bailiffs and other head officers of any city, borough or town corporate, to the use of the commonalty of such city, borough or town corporate; and where no such officers be, then to the lord or lords of the liberty where any such forfeiture shall be committed, or seisure had; and the third part to the seisor or seisors of such leather, stuff or wares insufficiently tanned, curried or wrought, as is aforesaid, for his and their pains.

How the wares made of tanned leather, forfeited in *London*, shall be distributed.

How the wares made of tanned leather forfeited in other places shall be distributed.

XLVII. Provided always, That no person to whom any such unlawful leather or stuff shall be given by this act, shall give or sell any such leather or stuff to any person or persons that shall sell the same, upon pain that the buyer shall forfeit for every parcel of such unlawful leather or stuff to be sold, contrary to the true meaning of this last clause, three shillings fourpence.

Forfeited ware shall not be sold to him that will sell it again.

XLVIII. Provided always, That this act, nor any thing therein contained, shall not in any wise be prejudicial or hurtful to the chancellors, vice-chancellors, proctors, tutors and scholars, their officers, ministers, assigns or farmers, of the universities of *Oxford* and *Cambridge*, or any of them, of, for

The authority of the officers of *Oxford* and *Cambridge* for search of leather reserved.

or concerning the authority of search of tanned leather, or any of the forfeitures of the same, which they lawfully had or might have had before the making of this present act; so as they do in all things observe such order in, about, or for searching, sealing and registering of leather, as by this act is prescribed and appointed, upon the pain therein contained; any thing herein contained to the contrary notwithstanding.

What shall
be reputed
leather.

XLIX. *And for the avoiding of all ambiguities and doubts which may and do grow upon the definition and interpretation of this word leather,* (2) it is enacted and declared by these presents, That the hides and skins of ox, steer, bull, cow, calf, deer red and fallow, goats and sheep, being tanned or tawed, and every salt hide, is, shall be and ever hath been reputed and taken for leather.

What officers
may inquire
of and punish
the offences
aforesaid.

L. And for the better execution of this act, be it further enacted, That all justices of assize, justices of gaol-delivery, justices of peace, and stewards of franchises, leets and law-days, within their several precincts, jurisdictions and liberties, and mayor of London for the time being, within the said city, and within three miles compass of the same city, and all other mayors bailiffs and other head officers of cities, boroughs and towns, within their several jurisdictions, liberties, precincts, offices and authorities, shall enquire of all the premisses in their sessions, leet or law-day, and hear or determine the same, and also by their discretions examine all persons suspected to offend this act or any parcel thereof.

The steward's
authority of a
manor of the
King's.

LI. And be it further enacted, That where any manor, liberty or franchise immediately appertaineth to the King's majesty, his heirs or successors, the steward for the time being of every such manor, liberty and franchise, shall have the like authorities, powers, jurisdictions and advantages, and also shall bear and pay all the like pains, penalties and forfeitures, as are given, appointed, limited or laid by this statute to or upon the lords of liberties and franchises, as in this statute is expressed.

Dry-currying
and frizing
of leather,
and who may
use it.

LII. And be it further enacted, That all currying and dressing of leather, commonly called dry-currying and frizing, shall be construed to be dressing and currying of the manner of *Spanish* leather, of what colour soever it be; and that to all artificers (other than shoemakers yearly between the last of September and the twentieth of April) it shall be lawful to use all kinds of leather dressed and curried in that manner of dry-currying and frizing as they lawfully might before the making of this act, so that the same leather so to be used be well and sufficiently tanned, according to the form prescribed in this act, and also well and substantially dressed, curried and frized, in the manner of dry-currying and frizing aforesaid.

This act shall
extend to
Wales.

LIII. And be it enacted by the authority aforesaid, That this act and every part thereof, shall be construed and adjudged to extend to *Wales* as amply as it doth to this realm, to all intents constructions and purposes.

LIV. And

LIV. And forasmuch as notwithstanding the good laws and great penalties in that behalf provided) great quantities of leather are daily transported out of this realm, and especially by the negligence and corruption of comptrollers, customers, searchers, and all their deputies; be it therefore enacted by the authority aforesaid, That if any leather wrought, cut, or unwrought, to the intent to be sold or bartered, shall hereafter unlawfully be transported, or purposed to be transported, into the parts beyond the sea, from and out of any port, haven or creek of this realm, or Wales; every comptroller, customer, surveyor, collector of tonnage and poundage, and the searchers, and the deputy of any of them, or any other persons hearing or knowing by any ways of any leather meant to be transported from any places within his office, and do not his best endeavours to seise the same, or being transported, do not disclose or cause to be disclosed the same, within forty days next after such knowledge or hearing of the same, in some court of record, so as the offender may be punished according to the laws in that case provided, shall for every the first offence committed against this article, forfeit an hundred pounds; (5) and for this second offence shall also forfeit his office.

LV. And be it further enacted, That every customer, officer or officer's deputy, that shall make any false certificate of the arrival of any leather in any port, creek or place of this realm, shall also forfeit for every such offence an hundred pounds.

LVI. Provided alway, That neither this act, nor any article, exposition or thing therein contained, shall extend to any *Scottish* hides to be brought into the town of *Berwick* out of the realm of *Scotland*, being registred in a book therefore to be kept by such person or persons as the mayor of the said town for the time being shall thereunto name and appoint, with the name and surname of the buyer and seller, to the intent the *English* hides might be known from the *Scottish*; but that the inhabitants of the said town of *Berwick* may send, carry and transport such *Scottish* hides as they lawfully might transport before the making of this act.

LVII. Provided always, and be it enacted by the authority aforesaid, That if any person or persons shall at any time hereafter procure or obtain any grant or letters patents, purporting to give licence or authority to any person or persons to dispense with or tolerate any offence against any clause, provision or article in this present act, that then and immediately from and after such letters patents or grant obtained, all and every such clauses, articles and provisions, so by the said letters patents or grant authorized or licenced to be dispensed with or tolerated as aforesaid, shall be utterly repealed, void and of no effect; any thing in this present act contained to the contrary in any wise notwithstanding: (2) this act to endure until the end of the next session of the next parliament.

LVIII. And be it further enacted by the authority aforesaid, That as well one statute made in the fifth year of the reign of our late sovereign lady Queen *Elizabeth*, intituled, *An act concerning*

The forfeiture of customers, &c. suffering leather to be transported, and not to seise or disclose it.

This act shall not extend to *Scottish* hides brought to *Berwick*.

Licences to dispense with the offences prohibited by this act shall be void.

Continued until the end of the next session of parliament.

A repeal of the statute of 5 Eliz. c. 8.

and of all former statutes repealed by the same,

cerning tanners, curriers, and other artificers occupying cutting of leather, as all former statutes, and every part or parts of any former statute or statutes thereby repealed, shall from henceforth be utterly repealed for ever. 3 Car. 1. c. 4. Continued until the end of the first session of the next parliament, and farther continued by 16 Car. 1. c. 4.

C A P. XXIII.

An act for the better preservation of fishing in the counties of Somerset, Devon and Cornwall, and for the relief of balkers, condors and fishermen against malicious suits.

To what end balkers, condors and directors did watch upon hills in fishing-time.

WHEREAS the trade of fishing for herrings, pilchards and sean-fish, within the counties of Somerset, Devon and Cornwall, is and of late time hath been very great and profitable, as well to divers of the fishermen and inhabitants which dwell near the sea-coasts within the said counties, as in the cities of London and Exeter, and elsewhere within the realm of England and the dominions thereof: (2) and whereas also for the necessary use of the taking of the said herrings, pilchards and other sean-fish, divers persons within the said counties called balkers, huors, condors, directors or guidors at the fishing-times for the said herrings, pilchards and other sean-fish within the said counties time out of mind have used to watch and attend upon the high hills and grounds near adjoining to the sea-coasts within the said counties, for the discovering and giving notice to the fishermen and inhabitants near adjoining, when the said herrings, pilchards and sean-fish come towards or near the sea-coasts there, and for the guiding and directing of the fishermen in their boats upon the sea-coasts for the taking of the said herrings, pilchards and other sean-fish.

Suits commenced against balkers, condors and fishers, for entering into the grounds of others.

II. And whereas also now of late divers persons having lands, tenements and hereditaments near or adjoining to the sea-coasts within the said counties where the fishing places for the taking of the said herrings, pilchards and other sean-fish are, have brought their actions of trespass at the common law, as well in the high courts of record at Westminster, as in inferior courts within the said counties, not only against such balkers, huors, condors, directors and guidors, but also against such fishermen and other persons, for breaking of their close, as have attended their seans or nets for the drawing and carrying of the said fish on land or shore, and have recovered against them costs and damages, to their great loss and expences; (2) by reason whereof, such watchmen, balkers, huors, condors, directors and guidors, and such other persons as heretofore have attended the said seans and fishing, have forbore to enter into or go upon the lands, tenements, and hereditaments near adjoining to such fishing places within the said counties, for the watching or discovery of the said herrings, pilchards and other sean-fish, or to balk, hure, cond or direct, or to attend the seans or nets as heretofore they have done, and will likewise forbear the same hereafter, if provision be not had and made that they may lawfully enter into and upon such lands, tenements and hereditaments as do lie near or adjoining to the said sea-coasts and places of fishing as aforesaid, for their watching, balking, directing and attending of the seans, as is aforesaid:

III. For

III. For remedy whereof, and for the maintenance of the said trade of fishing, which doth so greatly tend to the profit of many of the inhabitants within the said counties, and others, (2) be it therefore enacted by our sovereign lord the King, the lords spiritual and temporal, and the commons, in this present parliament assembled, That it shall and may be lawful at all time and times hereafter to and for all and every such watchmen, balkers, huors, condors, directors and guidors, and all such fishermen and other persons as shall necessarily attend the said seas or nets, as aforesaid, at the times of fishing for herrings, pilchards and other sea-fish within the said counties where such fish shall hereafter be taken, to enter and go into and upon any lands, tenements and hereditaments which do lie or adjoin near unto any such fishing places, and sit, convenient and necessary to watch and balk in, or to draw and carry the said fish on shore, and there to watch for the said fish, and to balk, hue, cond, direct and guide the fishermen which shall be upon the said sea and sea-coasts for the taking of the said fish, and to draw and carry the said fish on land or shore; any law, usage or custom to the contrary in any wise notwithstanding.

Balkers, condors and fishers may enter into the grounds of others to take or discover fish.

IV. And be it further enacted by the authority aforesaid, That if any action of trespass or other suit shall at any time hereafter happen to be attempted and brought against any person or persons for entering and going on the land for watching of the said fish, or for balking, huing, condung, directing or guiding of the said fishermen in their boats upon sea or sea-coasts for taking of the said fish, or for the landing of the said fish, as aforesaid, by authority of this present act, the defendant or defendants in any such action or suit shall and may plead not guilty for any thing doing by virtue of this act: (2) and upon the trial of that issue, the whole matter to be given on both parties in evidence according to the very truth of the same: (3) and after such issue tried for the defendant or defendants, or nonsuit of the plaintiff or plaintiffs after appearance, the same defendant or defendants to recover his or their damages, by reason of his or their wrongful vexation in that behalf, with costs also in that behalf sustained; (4) and that to be assessed by the same jury that shall try the said issue; or else by writ to enquire of the damages as the case shall require; (5) for which costs and damages such defendant shall and may by virtue of this act take and sue forth such execution as the defendant in a *replevin* may do.

The plea for a condor, balker or fisher in an action of trespass brought against him.

C A P. XXIV.

An act against the deceitful and false making of mildernix and powle-davies, whereof sail-clothes for the navy and other shipping are made.

WHEREAS the clothes called mildernix and powle-davies, First made in whereof sail-clothes and other furniture for the navy and France, and shipping are made, were heretofore altogether brought out of France after learned

and practised
in England.
9Geo.2.c.37.

and other parts beyond the seas, and the skill and art of making and weaving of the said clothes never known or used in England, until about the two and thirtieth year of the reign of the late Queen of famous memory Queen Elizabeth, about what time, and not before, the perfect art and skill of making and weaving of the said clothes was attained unto, and thence practised and continued in this realm, to the great benefit and commodity thereof:

Mildernix
made in Eng-
land neither
of good stuff,
nor well
waved.

II. And whereas of late many of the King's majesty's subjects, not trained nor brought up in the said art, nor any ways skilful therein, have notwithstanding, upon desire of gain, made and weaved, or caused to be made and weaved, many clothes in likeness and shew of mildernix and powle-davies, but in truth neither made of such stuff as the said mildernix and powle-davies are and ought to be made of, nor so well driven or weaved, nor yet of that length nor breadth, as the true clothes called mildernix and powle-davies are and ought to be; (1) inasmuch that the said clothes do yearly and daily grow worse and worse, and are made more thinner, sleighier and meaner, than heretofore they have been, to the great deceit and hurt of all his Highness loving subjects that are to use and employ the same about the sails and other furniture of their ships and sailing vessels, and to the great damage of his Highness navy, the chiefest strength of this realm, (next unto God and his Highness) and within short time like utterly to overthrow the art and trade of making cloth of that kind within this realm; whereupon his Highness said subjects, as well the makers as users of the said clothes are much hurt and impoverished through the deceitfulness, unskilfulness and ignorance of the weavers and makers of the said clothes.

Who only
shall make
mildernix or
powle-davies.

III. For remedy and redress whereof, be it enacted by the King's most excellent majesty, with the assent of the lords spiritual and temporal, and the commons, in this present parliament assembled, and by the authority of the same, That no person or persons resident, inhabitant or dwelling within this realm, shall at any time after the first day of *August* next coming make, weave or cause to be made and weaved, any such cloth or clothes for sails, or furniture of ships, or other sailing vessels, called, termed or known by the name or names of *mildernix* and *powle-davies*, or any of them, but such as now do use the same, or any of their servants, or such as shall hereafter be apprentices, and trained and brought up in the trade and art of making of the said clothes by the space of seven years together at the least; nor shall set any man to work in the making or weaving of any such clothes, being not a workman trained up before the first day of *August* next coming in the said art and mystery; (2) upon pain that every such person offending or doing the contrary, shall forfeit and lose for every default twenty shillings for every month.

Of what stuff,
goodness,
length and
breadth, mil-
dernix and
powle-davies
shall be made.

IV. And further, That no person or persons from and after the said first day of *August* shall make or weave the said clothes of any other stuff than of good and sufficient hemp, nor of any less length than three and thirty yards, nor of any less breadth than three quarters of a yard: (2) nor that the weaver,

or

or other person or persons, shall sell or offer to sell any of the said clothes before the stuff be well beaten, scoured, bleached, and the cloth well driven with a brash or iron shuttle; (3) upon pain that every person offending or doing the contrary herein, shall forfeit and lose for every such piece of cloth woven, made or sold contrary to the form of this act, five shillings.

V. And be it further enacted by the authority aforesaid, That the one moiety of the benefit of all the forfeitures and penalties in this act contained shall come and be unto the King's most excellent majesty, his heirs and successors, and the other moiety thereof unto such as will sue for the same in any of the King's majesty's courts, by bill, plaint, action of debt, information or otherwise; in which actions, suits, plaints or informations, no wager of law, essoin or protection shall be allowed.

Who shall have the forfeitures.

CAP. XXV.

An act for continuing and reviving of divers statutes, and for repealing of some others.

BE it enacted by authority of this present parliament, That one act made in the one and twentieth year of the reign of the late King Henry the Eighth, intituled, *An act for the true making of cables, balfers and ropes:* ^{21 H. 8. c. 12.}

II. And that an act made in the four and twentieth year of the reign of the said King Henry the Eighth, intituled, *An act against killing of young beasts called weanlings:* ^{24 H. 8. c. 9.}

III. And that two acts made in the parliament holden at Westminster by prorogation the fourth day of November, and continued until the first day of February next after, in the third and fourth years of the reign of the late King Edward the Sixth, the one concerning the buying and selling of rother beasts and cattle; the other intituled, *An act for the buying and selling of butter and cheese:* ^{Cattle. 3&4 Ed. 6. c. 19. Victual. 3&4 Ed. 6. c. 21.}

IV. And that one act made in the first year of the reign of the late Queen Elizabeth, intituled, *An act for preservation of spawn and fry of fish:* ^{1 El. c. 17.}

V. And that an act made in the fifth year of the reign of the said late Queen Elizabeth, intituled, *An act for avoiding divers foreign wares made by handicraftsmen beyond the seas:* ^{5 El. c. 7.}

VI. And so much of another act made in the same year, intituled, *An act touching certain politick constitutions made for the maintenance of the navy,* as is not repealed by any later statute nor doth concern the transportation of herring or other sea-fish, nor freedom of custom, subsidy or tonnage for the same, nor transportation of corn; together with all and every other additions, explanations and alterations made thereunto or thereof, or of any part thereof, by any statute or statutes made since the making of the said last mentioned act, and now standing in force:

VII. And that an act made in the eighth year of the reign of the said late Queen Elizabeth, intituled, *An act for bowyers, and the prices of bows:* ^{8 El. c. 10.}

VIII. And

Purveyors.

13 Eliz. c. 21.
Ecclesiastical
persons.

13 El. c. 10.

Leases.

13 El. c. 20.

14 Eliz. c. 11.

18 Eliz. c. 11.

43 Eliz. c. 9.

VIII. And that three acts made in the thirteenth year of her late Majesty's reign: one, intituled, *An act that purveyors may take grain, corn and victuals, within five miles of Cambridge and Oxford, in certain cases*; (2) another, *An act against frauds defeating remedies for delapidations*; (3) the third, *An act touching leases of benefices and other ecclesiastical livings with cure*, together with all and every explanations, additions and alterations thereof, or of any of them, or to any of them, made by several statutes of the fourteenth, eighteenth and three and fortieth years of her said late Majesty's reign:

Ways.

18 Eliz. c. 20.

IX. And that an act made in the eighteenth year of her said Majesty's reign, intituled, *An act for the repairing and amending of bridges and highways near unto the city of Oxford*:

Poor.

18 Eliz. c. 3.

X. And so much of one other act made the same eighteenth year, intituled, *An act for setting the poor on work, and avoiding of idleness*, as concerneth bastards begotten out of lawful matrimony:

Franchises.

27 Eliz. not

printed.

Corn.

27 Eliz. c. 14.

Corn.

39 Eliz. c. 26.

Sewers.

27 Eliz. c. 24.

XI. And that two acts made in the seven and twentieth year of her said Majesty's reign, the one intituled, *An act for the good government of the city or borough of Westminster*; (2) the other, *An act for reviving a former statute for true making of malt*; (3) together also with an act made in the nine and thirtieth year of her said Majesty's reign, intituled, *An act to restrain the excessive making of malt*; (4) and a third act made in the said seven and twentieth year of her said Majesty's reign, intituled, *An act for keeping the sea-banks and sea-works in the county of Norfolk*:

Measures.

31 Eliz. c. 8.

Franchise.

32 Eliz. not

printed.

XII. And two acts made in the one and thirtieth year of her said Majesty's reign; the one intituled, *An act for the true gaging of vessels brought from beyond the seas, converted by brewers for the utterance and sale of ale and beer*; (2) the other, *An act for reviving and enlarging of a statute made in the three and twentieth year of her said Majesty's reign, for the relief of the city of Lincoln*:

Pope.

35 Eliz. c. 1.

Drapery.

35 Eliz. c. 10.

Merchants.

35 Eliz. c. 11.

XIII. And that three acts made in the five and thirtieth year of her said Majesty's reign; one intituled, *An act to retain the Queen's majesty's subjects in their due obedience*; (2) another for reformation of sundry abuses in clothes called *Devonshire kersies or dozens*, according to a proclamation of the four and thirtieth year of her said Majesty's reign; (3) the third, *An act for the bringing in of clap-board from the parts of beyond the seas, and the restraining of the transporting of wine-cask, for the sparing and preserving of timber within the realm*:

Husbandry.

39 Eliz. c. 1.

XIV. And the several acts hereafter mentioned, made in the nine and thirtieth year of her said Majesty's reign, that is to say, an act intituled, *An act against the decaying of towns, and houses of husbandry*;

Husbandry.

39 Eliz. c. 2.

43 Eliz. c. 9.

XV. An act, intituled, *An act for the maintenance of husbandry and tillage*; together with such explanations and provisions as there-

thereunto are added by the statute made in the three and fortieth year of her said Majesty's reign:

XVI. An act, intituled, *An act for the increase of mariners, and Fish.*
for maintenance of the navigation, repealing a former act made in 39 Eliz. c. 10.
 the three and twentieth year of her said Majesty's reign, bearing 23 Eliz. c. 7.
 the same title:

XVII. An act, intituled, *An act for explanation of the sta-* Apprentice.
tute made in the fifth year of her said Majesty's reign, concerning 39 Eliz. c. 12.
labourers: 5 Eliz. c. 4.

XVIII. An act, intituled, *An act prohibiting the bringing into* Drapery.
this realm of foreign cards for wool: 39 Eliz. c. 14.

XIX. An act, intituled, *An act against lewd and wandering per-* Poor.
sons, pretending to be soldiers or mariners: 39 Eliz. c. 17.

XX. An act, intituled, *An act for the punishment of rogues,* Poor.
vagabonds and sturdy beggars, (2) with this provision to be an- 39 Eliz. c. 4.
 nexed thereunto by authority of this present parliament, That 1 Jac. 1. c. 7.

the said last mentioned act, nor any thing therein contained, shall impeach, avoid, prejudice or restrain such liberty and inheritance of *John Dutton of Dutton* in the county of *Chester*, esq; and his ancestors, whose heir he is, have lawfully used and exercised, in allowing minstrels in the county palatine and county of the city of *Chester*, and for government of minstrels there, and keeping a court yearly for that purpose.

XXI. And that the several acts hereafter mentioned, made Poor.
 in the three and fortieth year of the reign of the said late Queen 43 Eliz. c. 3.
Elizabeth, that is to say, an act, intituled, *An act for the necessary*
relief of soldiers and mariners;

XXII. An act, intituled, *An act to avoid trifling and* Suits.
frivolous suits in law in her Majesty's courts at Westmin- 43 Eliz. c. 6.
ster;

XXIII. An act, intituled, *An act for the relief of the poor;* Poor.
 with this addition, viz. be it enacted, That all persons, to 43 Eliz. c. 2;
 whom the overseers of the poor shall, according to this act,
 bind any children apprentices, may take and receive, and keep
 them as apprentices; any former statute to the contrary not-
 withstanding;

XXIV. An act, intituled, *An act for the true making and* Drapery.
working of woollen clothes; (2) an act, intituled, *An act to* 43 Eliz. c. 10.
prevent perjury and subornation of perjury, and unnecessary ex- Certiorari.
pences in suits in law; (3) shall be continued and remain 43 Eliz. c. 5.
 in force until the end of the first session of the next par- All the afore-
 liament. said statutes

XXV. Provided nevertheless, That so much of every of
 the said acts as by any new act made in this session of
 parliament, shall be altered or repealed, shall stand dis-
 continued. of the first session
 of the next
 parliament.

XXVI. Provided also, and be it further enacted by the au- Corn.
 thority of this present parliament, That when the prices of
 corns or grains exceed not the rates hereafter following, at the
 times, havens and places, where and when the same corn or
 grain may be trans-
 ported.

3 Jac. 1. c. 11.
and 21 Jac. 1.
c. 28.
1 W.&M. stat.
1. c. 24.

The King's
custom and
poundage of
corn trans-
ported.

grain shall be shipped or loaded, viz. The quarter of wheat at six and twenty shillings eight pence; the quarter of rye, pease and beans at fifteen shillings; the quarter of barley or malt, at fourteen shillings of current *English* money; that then it shall be lawful for all and every person and persons, being subjects of the King's majesty, his heirs or successors, to transport of his own, (2) and to buy and transport any of the said corns and grains unto any parts beyond the seas in amity with his Majesty, to sell as merchandize, in ships, crayers or other vessels, whereof any *English* born subject or subjects then shall be the owner or owners; any law, usage or statute to the contrary hereof notwithstanding: and that the King's majesty, his heirs and successors, shall have and receive by the customers and officers of his ports, for the custom or poundage of every quarter of wheat to be transported by force of this statute, two shillings; of every quarter of other grain, sixteen-pence: which said several sums so to be had and taken as custom or poundage, to be in full satisfaction of all manner of custom or poundage for the said corn or grain, by any constitution, order, statute, law or custom heretofore made, used or taken, for transporting of any such manner of corn or grain.

Corn.

XXVII. Provided always, and be it enacted by the authority of this present parliament, That the King's majesty, his heirs and successors, may at all times by his and their writ of proclamation, to be published generally in the whole realm, or in any of the counties of the realm where any port-towns are, command, that no person shall by virtue of this act transport or convey any manner of grain out of his Highness dominions generally, or out of any special ports, to be in the same proclamation particularly named, for such time as shall be therein limited and appointed: (2) and it shall not be lawful for any person to carry out any such grain, contrary to the tenor of the same proclamation, upon such pains and forfeitures as by the laws and statutes of this realm are and have been provided and ordained in that behalf; this act or any thing therein contained to the contrary notwithstanding.

Drapery.
For farther
provisions re-
lating hereto,
see 3 Jac. 1.
c. 17.

XXVIII. Provided also, and be it enacted, That no person or persons shall incur any penalty for want of length, breadth or weight of *Welsh* cottons, under the price of fifteen-pence the yard, or two shillings the goad, so as they be not mixt with hair or other deceitful stuff; (2) nor for any others above that price, except they be mixt as aforesaid, or shall shrink above the rate of half a yard in twelve yards of length, or weigh less than fourteen ounces the yard, or hold not full three quarters of a yard broad.

Oath.
5 Eliz. c. 9.

XXIX. And also be it enacted, That an act made in the fifth year of the reign of the said late Queen *Elizabeth*, for punishment of perjury, shall be revived and continued

tinued until the end of the first session of the next parliament.

21 Jac. 1. c. 28. f. 8.

XXX. And that one act made in the fourteenth year of First-fruits. the reign of the late Queen Elizabeth, intituled, *An act a-* 14 Eliz. c. 7. *gainst the deceit of under-collectors of the tenths and subsidies of the clergy:*

XXXI. And one other act made in the seven and twentieth Accountant. year of the reign of the said late Queen, intituled, *An act for* 27 Eliz. c. 3. *the explanation of the statute made in the thirteenth year of the* 13 Eliz. c. 4. *reign of the said late Queen, intituled, An act to make the lands, tenements, goods and chattels of tellers, receivers, &c. liable to the payment of their debts;* (2) shall from the end of this present session of parliament be revived and stand in force; any repeal heretofore made thereof, or of any of them, to the contrary notwithstanding.

XXXII. And that so much of one act made in the fourteenth Poor. year of the reign of the said late Queen Elizabeth, intituled, *An* 14 Eliz. c. 5. *act for the punishment of vagabonds, and for the relief of the poor and impotent,* as concerneth the taxing, rating, levying, receiving and employing of gaol money, shall be revived from henceforth, and stand and continue until the end of the first session of the next parliament.

XXXIII. And be it also further enacted by the authority Sewers. aforesaid, That the statute made in the seven and twentieth 27 Eliz. not printed. year of the said Queen Elizabeth, intituled, *An act for the maintenance of the pier and cob of Lyme-Regis in the county of Dorset,* shall be continued and stand in force and strength for and during the space of ten years next ensuing the first day of this present parliament, and from thence to the end of the next session of parliament.

XXXIV. And be it also enacted by the authority of this pre- Sanctuaries sent parliament, That so much of all statutes as concerneth ab- extinct. jured persons and sanctuaries, or ordering or governing of persons abjured, or in sanctuaries, made before the five and thirtieth year of the late Queen Elizabeth's reign, shall also stand repealed and be void.

XXXV. And also that an act made in the two and Apparel. twentieth year of the reign of King Edward the Fourth 22 Ed. 4. c. 5. against fulling of hats, bonnets and caps in fulling-mills:

XXXVI. And an act made in the third year of King Henry Apparel. the Eighth, intituled, *An act concerning the making of caps and* 3 H. 8. c. 15. *bats:*

XXXVII. And an act made in the one and twentieth year Apparel. of King Henry the Eighth, intituled, *An act limiting the price of* 21 H. 8. c. 9. *bats and caps brought from beyond the seas:*

XXXVIII. And an act made in the seventh year of King Ed- Apparel. ward the Sixth, intituled, *An act for the true fulling and thicking of* 7 Ed. 6. c. 8. *caps:*

XXXIX. And an act made in the first year of Queen Mary, in- Apparel. tituled, *An act for the sale of hats and caps made beyond the sea:* 1 & 2 Ph. & M. c. 2.

Wood.

4 H. 5. c. 3.

Wood.

4 Ed. 4. c. 9.

XL. An act made in the fourth year of King *Henry the Fifth*, That patten-makers should make no pattens nor clogs of timber called asp, together with an act made in the fourth year of King *Edward the Fourth*, That patten-makers might make pattens or clogs of such pieces of timber called asp, as was not convenient or sufficient for shafts :

Metal.

15 R. 2. c. 11.

XLI. And an act made in the fifteenth year of King *Richard the Second*, touching girdlers garnishing their girdles with white metal :

Poor.

5 & 6 Ed. 6.

c. 21.

Wine.

7 Ed. 6. c. 5.

XLII. And an act made in the fifth year of King *Edward the Sixth*, intituled, *An act against pedlars and tinkers* :

XLIII. And so much of an act made in the seventh year of the reign of the said King *Edward the Sixth*, intituled, *An act made to avoid the great and excessive prices of wines, as doth concern the selling of wine at certain prices, or forbidding or restraining the having of wines in mens houses* :

Trades.

4 Ed. 4. c. 8.

XLIV. And an act made in the fourth year of King *Edward the Fourth*, That no stranger or alien should buy any *English* horns unwrought, and that the wardens of the horners should have power to search all manner of wares pertaining to their mystery in *London*, and four and twenty miles on every side of it : *In part revived by 7 Jac. 1. c. 14.*

Apparel.

24 H. 8. c. 13.

1 & 2 Ph. & M.

c. 2.

All statutes that concern apparel repealed.

3 Inst. 199.

Wars.

4 & 5 Ph. & M.

c. 2.

Leather.

5 Eliz. c. 8.

XLV. And that an act made in the four and twentieth year of the late King *Henry the Eighth* for reformation in excess of apparel; together with another act bearing the same title, made in the first and second years of the reign of the late King *Philip* and Queen *Mary*, and all other acts heretofore made concerning apparel :

XLVI. And an act made in the fourth and fifth years of the late King *Philip* and Queen *Mary*, for the having and keeping of the horse, armour and weapon :

XLVII. And a statute made in the fifth year of the reign of our late sovereign lady Queen *Elizabeth*, intituled, *An act touching tanners, curriers, shoemakers and other artificers occupying the cutting of leather* : (2) shall likewise henceforth be repealed and void.

Continuance.

1 M. sess. 2.

c. 2.

The 15 last statutes repealed.

XLVIII. And be it further enacted by the authority of this present parliament, That an act made in the first year of the reign of Queen *Mary*, intituled, *An act for the repeal of certain statutes made in the time of King Edward the Sixth*, shall stand repealed and void.

Marriage of priests.

2 & 3 Ed. 6.

c. 21.

XLIX. And that an act made in the session of parliament holden upon prorogation at *Westminster* the fourth day of *November* in the second year of the reign of the late King *Edward the Sixth*, and there continued and kept to the fourteenth day of *March* in the third year of the said late King's reign, intituled, *An act to take away all positive laws made against the marriage of priests* :

Ecclesiastical

L. And an act made in the session of parliament holden upon

upon prorogation at *Westminster* the three and twentieth day of *January* in the fifth year of the reign of the said King *Edward* the Sixth, and there continued and kept until the fifteenth day of *April* in the sixth year of his reign, intituled, *An act made for declaration of a statute made for the marriage of priests, and for the legitimization of their children*; (2) shall stand revived, and be in force for ever, the said act of repeal notwithstanding: (3) and the children of ecclesiastical persons in the said act mentioned, shall be and continue legitimate and inheritable to all intents and purposes, in such sort as children of lay persons do enjoy and may inherit; any canon or constitution to the contrary notwithstanding.

persons.
5 & 6 Ed. 6.
c. 12. made
perpetual.

The children
of ecclesiasti-
cal persons
shall be legi-
timate and in-
heritable.

C A P. XXVI.

An act for the continuance and due observation of certain orders for the exchequer, first set down and established by virtue of a privy seal from the late Queen Elizabeth.

MOST humbly pray your excellent Majesty, your most loving and faithful subjects the lords spiritual and temporal, and the commons, in this present parliament assembled, That whereas the late Queen Elizabeth in the thirteenth year of her happy reign, out of her princely grace and meer motion, by her gracious privy seal, to the then lord treasurer, chancellor and barons of her Majesty's exchequer directed, did authorize and command them to set down and establish certain orders touching the awarding of process, discharge without pleading, discharge of issues, and the rates of fees within the office of the lord treasurer's remembrancer in the exchequer: by virtue of which her royal commandment, upon grave deliberation, and with the privy and consent of her Majesty's then learned council thereunto called, divers orders, being most honourable and agreeable to justice, were conceived and established; which orders be to this bill annexed:

A confirma-
tion of certain
orders before
made for the
exchequer.

II. May it please your most excellent Majesty, for the establishment, continuance and furtherance of her said Majesty's then most gracious intention, and of your Majesty's most abundant grace and favourable inclination to the good and ease of your Highness subjects, that it may be enacted, and by the authority of this present parliament, be it enacted by the King's most excellent Majesty, with the assent of the lords spiritual and temporal, and commons, in this present parliament assembled, That all manner of issues lost and forfeited, or hereafter to be lost and forfeited, which by the true intent of the same late Queen's most gracious privy seal, and the said orders hereunto annexed, ought to be remitted and discharged against her said Majesty, be, and at all times for ever hereafter shall be accordingly, by virtue of this present act, clearly discharged and acquitted against your Majesty, your heirs and successors.

Certain issues
forfeited shall
be remitted,

III. And be it further enacted by the authority aforesaid, That if the lord treasurer's remembrancer for the time being, or any of his clerks, shall from and after the last day of

The forfeiture
of him that
offends con-

rary to the
said orders.

this present session of parliament award any process, exact any pleading, or take any fees, or otherwise in any point demean him or themselves contrary to the true meaning of any the said orders, that then for every such offence which the said lord treasurer's remembrancer or his deputy, or any of his or their clerks shall commit, the person so offending, (2) or in case any such person so offending be unable to satisfy, the said lord treasurer's remembrancer himself, shall forfeit and lose the sum of twenty pounds; (3) whereof the one moiety to be to your Majesty, your heirs and successors, and the other moiety to the party grieved, to be sued for within two years of the offence committed, by action of debt, bill, plaint or information, in any your Majesty's courts of record at *Westminster*; wherein no essoin, protection, wager of law or privilege shall be allowed.

The orders
for respect of
homage.

IV. *The orders set down for respect of homage, by the right honourable Sir William Cecil, of the honourable order of the garter, knight, baron of Burghley, lord treasurer of England, and master of the court of wards and liveries, Sir Walter Mildmay knight, chancellor and vice-treasurer of her Highness court of the exchequer, Sir Edward Saunders knight, lord chief baron of the said court, and other the barons of the same, calling unto them Gilbert Gerrard esq; her Majesty's attorney general, and Thomas Bromley esq; her Highness solicitor general, and made the fifteenth day of June in the year of our Lord God one thousand five hundred threescore and thirteen, and in the fifteenth year of the reign of our sovereign Lady Elizabeth, by the grace of God, Queen of England, France and Ireland, defender of the faith, &c. according to her Majesty's privy seal to the said treasurer and barons in that behalf directed, and witnessed under their hands as followeth:*

Fines streated
out of the
common pleas.
32 Car.2. c.24.

V. *First, That no process, Ad faciend. Homagium & fidelitatem, or Ad faciend. fidelitatem, or any writ of seire facias, capias or distress, from the fines streated out of the court of common pleas, shall go out of the treasurer's remembrancer's office upon any supposal, upon pain by former laws and statutes limited, and by the orders of the said court in that case provided, but upon a good and just ground; (2) and the same shall be vouched in every of the said processes according to the book, term, year, roll and record thereof, that it may be certainly found: (3) and yet if by any known record remaining in that office it may appear the same tenure have been traversed, then the said processes to be discharged by the said traverse without pleading.*

Process upon
the first streat
of the origi-
nal.

VI. 2. *Upon the streat of the original of the chancery, of the first grants of any lands or tenements bolden in chief, or by knights-service, or socage in chief, or of any licence of alienation, pardon of alienation, ouster le main, general or special livery, or inrolment of any of them, process shall be made only for the service due thereupon, (2) and the parties upon the same shall be admitted without pleading, as it hath been accustomed, to make their fine for respect of homage, or to do their fealty forthwith, whensoever they will appear, and pray to be received for the same, paying the charges of their said fine, as hereafter is appointed.*

VII. 3. *Where*

VII. 3. *Where the first tenant in any such writ from the said original or such inrolment is returned by the sheriff, mort or nihil habet, then shall go out according to the ancient course of the said court, a distring. tenent. against the tenants of the same land, to the sheriff, to do their service due to the King, and to shew their entry in to the same; (2) who returning the name of the tenant of the lands in the writ, there shall go process then every term against the said new tenants to do their said service, and also to shew their entry, and they to lose issues thereupon, until they come in, and make their fine for respect of homage or fealty, or do their fealty upon the same, according to the ancient course of the exchequer.*

Upon a writ the first tenant returned mort, or nihil habet.

VIII. 4. *To avoid the charges of pleading, upon shewing of any man's entry, it shall be lawful for every person that by force of any licence of alienation doth come to any lands or tenements holden in chief, assured to him in fee-simple, fee-tail general or special, or for term of life, by any manner of conveyance in law from the party in the first original or the inrolment of the same, to bring the same licence and conveyance to the said treasurer's remembrancer, and thereupon the said barons of the exchequer, or the said treasurer's remembrancer, finding the said licence of alienation to be good and agreeable to the assurance thereupon made, and likewise agreeable to and from the said original, and from and with all the vouchers of the same, the party to whom such licence of alienation is made, shall be received to inrol the said licence only, and to make his fine thereupon for respect of homage, without any further pleading, or other shewing of his title for the same: (2) and likewise whosoever shall enter into any lands by livery general, special, or ouster le main, bringing the same and the schedule of his livery with him, he shall be received to like inrolment, and making of his fine without any pleading.*

A mean to avoid the charge of pleading in certain cases.

Inrolling a livery or ouster le maine.

IX. 5. *Likewise whofo that hath a licence of alienation of lands and tenements holden in chief, which thereby are assured unto him by fine, the same person may also bring in his said licence and assurance thereupon, to be examined as before in the fourth article is mentioned, and the same agreeing together, and also agreeing from and with the original, and from and with the vouchers of the same, then the party to be discharged without pleading.*

A licence of alienation of lands assured by fine.

X. 6. *Where any writ of reversion shall be made upon any record for lands or tenements wherein the prince is in reversion, if it do appear by any sufficient matter of record within the court, that the grant or record whereupon the said writ of reversion is made, is clearly avoided or determined; in such case the party upon shewing forth of such record, shall be discharged without pleading.*

Writ of reversion.

XI. 7. *Where there be two manors or more, or other lands and tenements, of one name in one county, and the one holden of the prince in chief, or by knight's service, and the other not, in such cases where the matter shall so appear of record, the party that hath the manor or lands so not holden, shall be discharged of the process without pleading, and the issues thereupon lost, to be saved.*

Manors of the same name in one county.

XII. 8. *The issues lost by her Majesty's subjects, which her Highness of her gracious favour and goodness hath appointed by her Majesty's privy seal to be discharged, be as followeth, viz.*

Which be the issues lost that shall be discharged.

Some returned tenants of lands which they have not.

XIII. *All issues lost and to be lost, upon any that are or shall be returned tenants of lands which they have not, shall be now discharged, though they have other lands within the shire; that could not so have been before the said privy seal was granted.*

Issues lost upon an heir or ward within age.

XIV. *All issues lost or to be lost upon any heirs or ward being within age, or in custody, or committed to any, shall be now as before discharged, that were wont to remain while the heir come to full age.*

The committees of wards by lease.

XV. *All issues lost or to be lost upon the committees of any wards lands by lease, as returned tenant thereof, shall be now discharged, that otherwise should have been paid by the said committees, if they had any lands or tenements, goods or chattels within the said county.*

Lands in the Queen's hand by extent.

XVI. *All issues lost or to be lost upon any lands in the Queen's majesty's hands, by extent or otherwise, shall be now discharged, that otherwise could not have been by the course of the court.*

Issues lost by tenants for life, years, or at will.

XVII. *All issues lost or to be lost upon the farmers and tenants of any lands for life, years, or at will, shall be now discharged, that were wont to pay them being returned tenants thereof by the sheriffs, if they had any lands or goods within the shire.*

Lands of tenants in chief.

XVIII. *All issues lost or to be lost upon tenants of lands in chief by extent, shall be now as afore discharged, and could not so have been before, but were always leviable upon the lands.*

Issues lost by the sheriff's vexation.

XIX. *All issues lost or to be lost by sundry other vexations, as well by untrue returns and misreturns of sheriffs and under-sheriffs, shall or may be discharged, moderated or otherwise ordered, as the court shall think meet, that were infinite before, and could not be discharged, but the party was driven to take his remedy against the sheriff.*

Lands holden in chief, and after by another tenure.

XX. *All issues lost or to be lost upon any former grant of lands and tenements in chief, that are afterwards given not to be holden in chief, shall be now discharged by this privy seal, and could no way have been remitted, until the second grant had been laid and pleaded.*

Issues lost by jurors.

XXI. *All issues lost or to be lost by any person returned in any jury in the exchequer, or in any attainr or jury in the King's bench or common pleas at Westminster, or in any jury before the justices of assize in any court within the realm, which at the time of their appearance appointed, were beyond sea in her Majesty's service, or by special licence in writing, or were or shall be in prison, or in ordinary of her Majesty's chamber or household, and bound to their personal attendance there, shall be now discharged clear, that before could by no means be bolpen.*

XXII. *Rata finium pro homag. tenent. Dominae Reginae per unum annum integrum respectuand. cum feod. Rememorat. Thesaur. & pro intrac. finium cum record. inde fact. ac pro feod. attorn. pro eodem anno integro exhibit. parliament.*

Valor ter- rarum.	Fines re- ginæ.	Feod. Rem. Thes.	Pro. in- trac.	Pro feod. Attorn.
Li. Li. A C.ad lx.	s. x.	d. xx.	d. iv.	d. By some xl.
Li. Li. A lx.adxxx.	marc. dim.	d. xx.	d. iv.	d. By some xx.
Li. Li. A xxx.ad xx.	s. v.	d. xx.	d. iv.	d. By some nil.
Li. Li. A xx.ad xv.	d. xl.	d. xx.	d. iv.	
Li. Li. A xv.ad x.	s. ii.	d. xx.	d. iv.	
Li. marc. A x.ad x.	d. xx.	d. xx.	d. iv.	By some vo- luntary an- nuities for all matters.
marc. s. A x. ad C.	d. xii.	d. xii.	d. iv.	
s. s. A C. ad lx.	d. viii.	d. viii.	d. iv.	
s. A lx. & infr.	d. iv.	d. iv.	d. iv.	

s.
xl.
s.
xx.
s. d.
xiii. iv.
s.
x.
s. d.
vi. viii.
s.
v.

These never lose issues, but
have their fines paid, whe-
ther they come or come
not.

XXIII. Item, That the said fines shall be paid after the said rate exhibited to the parliament house, and not otherwise.

(2) According to the said treasurer's remembrancer's own offer, for himself and the clerks of his office, it is ordered, that he himself shall pay every subjects charges, as by the court of exchequer shall be set and ordered, that shall be vexed by any writ upon a supposal, and not supposal. upon a good and just ground vouched and set down in every writ, as before is declared.

XXIV. The clerks of the said treasurer's remembrancer's office shall pay all issues that any of her Majesty's subjects shall lose, after he hath paid his ordinary fine for respect of homage to any of them for any lands or tenements, and so may be proved by any of their acquaintances, W. Burleigh, Walter Myldemaie, Edward Sanders, George Frevile, John Birche. Ex. per G. Gerrard, Thomas Bromley. Ex. per John Osbourne, decimo septimo Novemb. 1601.

XXV. Provided always nevertheless, and be it enacted by the authority afore said, if in case it shall be thought fit, for the true knowledge and preservation of the tenures appertaining to the crown, and so ordered in the open court of exchequer,

quer, that processe should issue out of the said court against any, That in every such case the said treasurer's remembrancer, or any his clerks, may send out the said process without incurring any the penalties of this act: in which case, no such tenure appearing to the court, the party shall be clearly dismissed without any manner of pleading or paying any fees at all.

C A P. XXVII.

An act for the better execution of the intent and meaning of former statutes made against shooting in guns, and for the preservation of the game of pheasants and partridges, and against the destroying of hares with hare-pipes, and tracing hares in the snow.

Penalties for
destroying of
pheasants,
partridges,
pigeons, hares.

13 R. 2. stat. 1.
c. 13.

11 H. 7. c. 17.

19 H. 7. c. 11.

31 H. 8. c. 8.

5 El. c. 21.

23 El. c. 10.

3 Jac. 1. c. 13.

7 Jac. 1. c. 13.

13 Car. 1. stat.

1. c. 10.

21 & 23 Car.

2. c. 15.

5 Ann. c. 14.

9 Ann. c. 25.

3 Geo. 1. c. 11.

8 Geo. 1. c. 19.

FORASMUCH as there be divers good and necessary laws and statutes which do inflict and impose divers great and heavy penalties, punishments and forfeitures upon such as should with any guns, nets, cross-bows, or other instruments or engines, spoil or destroy the game of pheasants, partridges, hearn, mallard, and such like, and upon such as kill or destroy hares with hare-pipes, cords or other engines, or should kill any hare by tracing and coursing them with dogs in the snow: (2) and nevertheless of late years, the several games above mentioned have been more excessively and outrageously spoiled and destroyed, than hath been in former ages, especially by the vulgar sort, and men of small worth, making a trade and a living of the spoiling and destroying of the said games, who are not of sufficiency to pay the said penalties in the said statutes mentioned, nor to answer the costs and charges of any that should inform and prosecute against them in any of his said Majesty's courts of record at Westminster, upon any of the said penal laws and statutes; (3) by reason whereof few suits have been attempted upon the said laws, and for the said forfeitures, whereby the good thereby meant and hoped hath not succeeded, and thereby great scarcity of the said games in all, or in the most parts of this realm, hath followed, and presently is, and so is like to be, if some remedy be not in that behalf provided:

II. Be it therefore enacted by the authority of this present parliament, That all and every person and persons, which from and after the first day of *August* next following shall shoot at, kill or destroy with any gun, cross-bow, stone-bow or long-bow, any pheasant, partridge, house-dove or pigeon, hearn, mallard, duck, teal, widgeon, grouse, heathcock, moregame, or any such fowl, or any hare; (2) or after the said first day of *August* shall take, kill or destroy any pheasant, partridge, house-dove or pigeon, with setting-dogs and nets, or with any manner of nets, snares, engines or instruments whatsoever; or shall take the eggs of any pheasant, partridge or swans out of the nests, or willingly break, spoil or destroy the same in the nest; (3) or after the said first day of *August* shall trace or course any hares in the snow, or at any time take or destroy any hares with any hare-pipes, cords, or with any such instruments or other engines:

engines : (4) and the same offence or offences being proved, by the confession of the party, or by the testimony of two sufficient witnesses upon oath before two or more justices of peace of the same county, city or town corporate, wherein the offence shall be committed, or the party offending apprehended, shall be by the said justices of peace, for every such offence committed to the common gaol of the said county, city or town corporate, where the offence shall be committed, or the parties apprehended, there to remain for three months without bail or mainprize, unless that the said offender do or shall forthwith upon the said conviction, pay or cause to be paid, to the churchwardens of the said parish where the said offence shall be committed, or the party apprehended, to the use of the poor of the said parish, the sum of twenty shillings for every pheasant, partridge, house-dove, pigeon, hearn, mallard, duck, teal, wid-geon, grouse, heathcock, moregame or any such fowl, and for every egg of pheasant, partridge or swans, and for every hare, which any and every such person and persons so offending and convicted as aforesaid, shall take, kill or willingly destroy, contrary to the true purport and true meaning of this statute; (5) or after one month after his commitment, together with two sufficient sureties, become bound by recognizance in the sum of twenty pounds a-piece to the King's majesty's use, his heirs and successors, with condition that he the said party so offending shall not at any time thereafter shoot at, kill, take or destroy any of the said games before-mentioned, by any of the means aforesaid : (6) which said recognizances shall be taken by any two or more justices of peace of the said county, city or town corporate, where the offender shall be so imprisoned as aforesaid, and shall be returned to the then next quarter-sessions, and there to remain of record as other recognizances taken for the peace.

III. And for the better preservation of deer, hares and other the games aforesaid, be it further enacted by the authority aforesaid, That all and every person and persons which from or after the said first day of *August* shall have or keep any greyhound for coursing of deer or hare, or setting-dog or dogs, (2) or net or nets, to take pheasants or partridges, (3) except such person or persons which shall be seised in their own right or in the right of their wives, of lands, tenements or hereditaments, of the clear yearly value of ten pounds by the year or more, over and above all charges and reprises, of some estate of inheritance; (4) or of lands, tenements or hereditaments in his own right or in right of his wife, for term of life or lives, of the yearly value of thirty pounds over and above all charges and reprises; (5) or be possess'd of goods or chattels to the full value of two hundred pounds to his own use; (6) or be the son or sons of any knight, or of any baron of parliament, or of some person of higher degree, or the son and heir apparent of any esquire; (7) and being thereof convicted as aforesaid, shall by the said justices of the peace be committed and imprisoned in manner and form as in and by this present act before is expressed, specified

One witness
sufficient.
7 Jac. 1. c.11.
f. 8.

The penalty
for keeping a
greyhound, a
setting-dog,
with nets to
take pheas-
ants, &c.

specified and declared : except such person and persons so offending and thereof convicted as aforesaid, do forthwith pay or cause to be paid to the churchwardens of the said parish where the said offence shall be committed, or the party apprehended, to the use of the poor of the said parish, the sum of forty shillings of good and lawful money of *England*.

The penalty for selling or buying to sell again deer, hare, partridge or pheasant.

IV. And be it further enacted by the authority aforesaid, That every person and persons which at any time after the said first day of *August* shall sell or buy to sell again, any deer, hare, partridge or pheasant, (except partridge and pheasants reared and brought up in house or houses, or brought from beyond the seas) shall forfeit for every deer so bought and sold forty shillings, for every hare ten shillings, and for every partridge ten shillings, and for every pheasant so to be bought and sold twenty shillings: (2) of all which forfeitures the one moiety shall be to him or them that will sue for the same by bill, indictment or information, and the other moiety to the poor of the parish where the said offence or offences shall be committed.

No punishment by any former law where it is inflicted by this.

V. And be it further enacted by the authority aforesaid, That no person or persons shall or may after the said first day of *August* be punished by force of any former statute or law, for any of the said offences for which by force of this law any punishment shall be inflicted: (2) and that all justices of assize in their several circuits, and all justices of the peace in their general quarter-sessions, and any two justices of peace or more together out of any sessions, shall and may by force of this present act have full power and authority to examine, hear, punish and determine all offences to be committed against this present statute, and to administer oaths as aforesaid, and perform and execute all and every act and thing fit or requisite for the due execution of this present act.

Which officers may hear and determine these offences.

Who may take pheasants and partridges with nets, and when.

Repealed by 7 Jac. 1. c. 11. §. 6.

VI. Provided always, That it shall and may be lawful for every person or persons which have or shall have free warren, and to and for every lord of a manor, and to every freeholder which is or shall be seised in his own right or in the right of his wife, of lands, tenements or hereditaments to the clear yearly value of ten pounds or more by the year, over and above all charges or reprises, of some estate of inheritance; (2) or of lands, tenements or hereditaments in his own right or in the right of his wife, for term of life or lives, of the yearly value of thirty pounds over and above all charges and reprises; (3) or be or which shall be worth in goods or chattels two hundred pounds; (4) by him or themselves, or by his or their menial servants (sufficiently authorised from his or their master for that purpose) (5) to take pheasants and partridges in the day-time only with nets, in and upon his and their own or his and their masters free warren, manor and freehold or on any part of them, betwixt the feast of *St. Michael* the archangel and the feast of the birth of our Lord God yearly; any thing in this law to the contrary notwithstanding.

VII. And

VII. And be it also further enacted by the authority aforesaid, That it shall and may be lawful to and for every person and persons keeping any hawk or hawks, which at the general quarter-sessions of the county (where he and they shall dwell) shall be licenced, to shoot hail-shot in hand-guns or birding-pieces, at crow, chough, pye, rook, ring-dove, jey or smaller birds, for hawks-meat only, to shoot and kill hawks-meat, according to the said licence only; (2) so that such party so to be licenced do at the same quarter-sessions wherein he shall be licenced, become bound to the King's majesty by recognizance in twenty pounds, not to shoot at any the fowl or game at which shooting is prohibited by this law; (3) and so that he or they shall not shoot in any hand-gun or other gun, within six hundred paces of any hernery, nor within one hundred paces of any pigeon-house, nor in any park, forest or chase, whereof the party so licenced or his master, is or shall not be the owner, keeper or governor; (4) for which licence and recognizance the clerk of the peace is to take only twelve pence and no more. (5) This law to continue to the end of the first session of the next parliament. 3 Car. 1. c. 4. *continued until the end of the first session of the next parliament; and farther continued by 16 Car. 1. c. 4.*

Licence to shoot in a gun for hawks-meat.

Continuance of this statute.

CAP. XXVIII.

A confirmation of the King's letters patents, bearing date at Westminster 30 die Aprilis, anno 2 regis Jacobi, granted to the mayor, bailiffs and burgeses of the borough of Berwick upon Tweed, and of the franchises, liberties and customs of the said borough. 22 Ed. 4. c. 8.

CAP. XXIX.

To what sorts of flesh, licences to eat flesh in Lent shall not extend. What sort of flesh shall not be killed in Lent to be put to sale. EXP. 5 El. c. 5. 35 El. c. 7.

CAP. XXX.

The inhabitants of Melcomb-Regis in the county of Dorset, within the diocese of Bristol, may at their own costs build a church upon the ground where the chapel now standeth, and the grounds adjoining, convenient to receive the inhabitants of Radipol, and inclose the waste grounds adjoining, to make a church-yard for a place of burial; after which church is builded it shall be called the parochial church of Radipol; and the new parson of Radipol and his successors shall be parsons thereof: and the old parish church of Radipol shall be but a chapel of ease: and the patron of the old parish church of Radipol shall be patron of the new. And a new mansion-house in Melcomb-Regis assigned to the said parson and his successors for ever.

CAP. XXXI.

An act for the charitable relief and ordering of persons infected with the plague.

FORASMUCH as the inhabitants of divers cities, boroughs, towns corporate, and of other parishes and places, being visited with the plague, are found to be unable to relieve the poorer sort of such people so infected, who of necessity must be by some charitable course provided for, lest they should wander abroad and thereby infect others: (2) and forasmuch as divers persons infected with that disease, and others inhabiting in houses and places infected, as well poor people and

Several provisions made for those that be infected with the plague.

unable

unable to relieve themselves that are carefully provided for, as others which of themselves are of ability, being commanded by the magistrate or officer of or within the place where the infection shall be, to keep their houses, or otherwise to separate themselves from company for the avoiding of further infection, do notwithstanding very dangerously and disorderly misdeemean themselves :

Taxing the inhabitants for relief of the sick of the plague.

II. Be it therefore enacted by the authority of this present parliament, That the mayor, bailiffs, head officers and justices of peace of every city, borough, town corporate and places privileged, where any mayor and bailiffs, head officers or justices of peace are or shall be, or any two of them, shall have power and authority from time to time, to tax and assess all and every inhabitant, and all houses of habitation, lands tenements and hereditaments within the said city, borough, town corporate and places privileged, or the liberties or precincts thereof, at such reasonable taxes and payments as they shall think fit for the reasonable relief of such persons infected, or inhabiting in houses and places infected in the same cities, boroughs and towns corporate, and places privileged, (2) and from time to time to levy the same taxes of the goods of every person refusing or neglecting to pay the said taxes, by warrant under the hand and seal of the mayor and bailiffs, and head officers aforesaid, or two such justices of peace, to be directed to any person or persons for the execution thereof.

The penalty of any party taxed refusing to pay, and having no goods.

III. And if the party to whom such warrant is or shall be directed shall not find any goods to levy the same, and the party taxed shall refuse to pay the same tax, That then upon return thereof the said mayor, bailiffs, head officers or justices of peace or any two of them, shall by like warrant under their hands and seals cause the same person so taxed to be arrested and committed to the gaol without bail or mainprize, until he shall satisfy the same taxation and the arrearages thereof.

A provision if the inhabitants of the town infected be not able to relieve the sick.

IV. And if the inhabitants of any such city, borough, town corporate or place privileged, shall find themselves unable to relieve their said poor infected persons and others as aforesaid, That then upon certificate thereof by the mayor, bailiff, head officers and other the said justices of peace, or any two of them, to the justices of peace of the county of or near to the said city, borough, town corporate or privileged place so infected, or any two of them to be made, the said justices of or near the said county or any two of them, shall or may tax and assess the inhabitants of the county within five miles of the said place infected, at such reasonable weekly taxes and rates as they shall think fit, to be levied by warrant from any such two justices of peace of or near the county, by sale of goods, and in default thereof by imprisonment of the body of the party taxed as aforesaid.

A provision if the infection shall be where there are no justices of peace.

V. And if any such infection shall be in any borough, town corporate or privileged place where there are or shall be no justices of peace, or in any village or hamlet within any county, That then it shall and may be lawful for any two justices of peace

peace of the said county wherein the said place infected is or shall be, to tax and assess the inhabitants of the said county within five miles of the said place infected, at such reasonable weekly taxes and rates as they shall think fit, for the reasonable relief of the said places infected, to be levied by warrant from the said justices of peace of the same county by sale of goods, and in default thereof by imprisonment of the body of every party so taxed as aforesaid: (2) the same taxes made by the said justices of peace of the county for the relief of such cities, boroughs, towns corporate and places privileged where there are no justices of peace, to be disposed as they shall think fit; and where there are justices of peace then in such sort as to the mayors, bailiffs, head officers and justices of peace there or any two of them shall seem fit and convenient.

VI. All which taxes and rates made within any such city, borough, town corporate or place privileged, shall be certified at the next quarter-sessions to be holden within the said city, borough, town corporate or place privileged; (2) and the said taxes and rates made within any part of the said county, shall in like sort be certified at the next quarter-sessions to be holden in and for the said county; (3) and that if the justices of peace at such quarter-sessions respectively, or the more part of them, shall think it fit the said tax or rate should continue, or be enlarged or extended to any other parts of the county, or otherwise determined, then the same to be so enlarged, extended or determined, encreased or taxed and levied in manner and form aforesaid, as to the said justices at the quarter-sessions respectively shall be thought fit and convenient: (4) and every constable and other officer that shall wilfully make default in levying such money as they shall be commanded by the said warrant or warrants, shall forfeit for every such offence ten shillings, to be employed on the charitable uses aforesaid.

The taxes assessed shall be certified at the next quarter-sessions.

The forfeiture of officers making default to levy the money assessed.

VII. And be it further enacted, That if any person or persons infected, or being or dwelling in any house infected, shall be by the mayor, bailiffs, constable or other head officer of any city, borough, town corporate, privileged place or market-town, or by any justice of peace, constable, headborough or other officer of the county (if any such infection be out of any city, borough, town corporate, privileged place or market-town) commanded or appointed, as aforesaid, to keep his or their house, for avoiding of further infection, and shall notwithstanding wilfully and contemptuously disobey such direction and appointment, refusing and attempting to break out and go abroad, and to resist, or going abroad and resisting such keepers or watchmen as shall be appointed, as aforesaid, to see them kept in; that then it shall be lawful for such watchmen with violence to enforce them to keep their houses; and if any hurt come by such enforcement to such disobedient persons, that then the said keepers, watchmen and any other their assistants, shall not be impeached therefore: (2) and if any infected person as aforesaid, so commanded to keep house, shall contrary to such commandment, wilfully

An infected person commanded to keep his house, disobeyeth.

and

and contemptuously go abroad, and shall converse in company, having any infectious fore upon him uncured, that then such person and persons shall be taken, deemed and adjudged as a felon, and to suffer pains of death as in case of felony: (3) but if such person shall not have any such fore found about him, then for his said offence to be punished as a vagabond in all respects should or ought to be, by the statute made in the ninth and thirtieth year of the reign of our late sovereign lady Queen *Elizabeth*, for the punishment of rogues and vagabonds; and further, to be bound to his or their good behaviour for one whole year.

VIII. Provided, That no attainder of felony by virtue of this act shall extend to any attainder or corruption of blood, or forfeiture of any goods, chattels, lands, tenements or hereditaments.

IX. And be it further enacted by the authority aforesaid, That it shall be lawful for justices of peace, mayors, bailiffs and other head officers aforesaid, to appoint within their several limits searchers, watchmen, examiners, keepers and buriers, for the persons and places respectively infected as aforesaid, and to minister unto them oaths for the performance of their offices of searchers, examiners, watchmen, keepers and buriers, and give them other directions, as unto them for the present necessity shall seem good in their discretions; (2) and this act to continue no longer than until the end of the first session of the next parliament.

X. Provided always, and be it enacted by authority of this present parliament, That no mayors, bailiffs, head officers, or any justices of peace, shall by force or pretext of any thing in this act contained, do or execute any thing before-mentioned within either the universities of *Cambridge* or *Oxford*, or within any cathedral church, or the liberties or precincts thereof, in this realm of *England*, or within the colleges of *Eaton* or *Winchester*; (2) but that the vice-chancellor of either of the universities for the time being, within either of the same respectively, and the bishop and dean of every such cathedral church, or one of them, within such cathedral church, and the provost or warden of either of the said colleges within the same, shall have all such power and authority, and shall do and execute all and every such act and acts, thing and things in this act before-mentioned, within their several precincts and jurisdictions above-said, as wholly, absolutely and fully, to all intents and purposes, as any mayor, bailiffs, head officers or justices of peace, within their several precincts and jurisdictions may elsewhere by force of this act do and execute. 3 Car. 1. c. 4. Continued until the end of the first session of the next parliament, and farther continued by 16 Car. 1. c. 4.

CAP. XXXII.

13 & 14 Car. 2. From the end of this session of parliament, during seven years and no longer, there shall be paid by the master or owner of every ship, vessel or crayer (saving of *Liue-Regis* in the county of *Dorset*) whereof any

39 El. c. 4.

Attendants shall be appointed upon the infected.

The continuance of this act.

The universities, cathedral churches, Eaton, Winchester college.

of the King's subjects shall be owners or part-owners, of the burden of twenty tons or upwards, for every voyage loading or discharging within this realm, or to or from any foreign country beyond the seas, and passing to or from London, or from, to or by Dover, or coming into the harbour there, (not having a cocquet testifying his payment before) three-pence for every ton of the burden of every such vessel, &c. except vessels laden with sea-coals or grind-stones; and for every chaldron of sea-coals or grind-stones 1. d. ob. which shall be paid to the customer, collector of customs or subsidies, or their deputies, &c. EXP.

CAP. XXXIII.

An act of a subsidy of tonnage and poundage. A subsidy granted to the King of tonnage, poundage, wools, &c. What subsidies the Kings of this realm have had, and for what causes. EXP.

Anno Regni JACOBI Regis Angliæ, Scotiæ, Franciæ, & Hiberniæ, viz. Angliæ, Franciæ & Hiberniæ tertio, & Scotiæ tricesimo nono.

AT the second session of parliament begun and holden by prorogation at Westminster the fifth day of November in the third year of the reign of our most gracious sovereign lord James, by the Grace of God, of England, France and Ireland, King, defender of the faith, &c. and of Scotland the nine and thirtieth: and there continued until the seven and twentieth of May: (and from this second session of parliament, ending the said seven and twentieth of May, the said parliament was prorogued until the eighteenth of November next following, one thousand six hundred and six,) to the high pleasure of Almighty God, and to the weal publick of this realm, were enacted as followeth.

CAP. I.

An act for a publick thanksgiving to Almighty God every year on the fifth day of November.

FORASMUCH as Almighty God hath in all ages shewed his power and mercy in the miraculous and gracious deliverance of his church, and in the protection of religious Kings and states; (2) and that no nation of the earth hath been blessed with greater benefits than this kingdom now enjoyeth, having the true and free profession of the gospel under our most gracious sovereign lord King James, the most great, learned and religious King that ever reigned therein, enriched with a most hopeful and plentiful progeny, proceeding out of his royal loins, promising continuance of this happiness and profession to all posterity: (3) the which many malignant and devilish papists, jesuits and seminary priests, much envying and fearing, conspired most horribly, when the King's most excellent majesty, the Queen, the prince, and all the lords spiritual and temporal, and commons, should have been assembled in the upper house of parliament upon the fifth day of November

Yearly prayer shall be made for the delivery of the King, &c. from the gunpowder treason. The blessings of England by the King and his progeny. The gunpowder treason conspired to have been

effected 5 Nov.
ann. dom.
1605.

in the year of our Lord one thousand six hundred and five, suddenly to have blown up the said whole house with gun-powder: (4) an invention so inhumane, barbarous and cruel, as the like was never before heard of, and was (as some of the principal conspirators thereof confess) purposely devised and concluded to be done in the said house, that where sundry necessary and religious laws for preservation of the church and state were made, which they falsely and slanderously term cruel laws, enacted against them and their religion, both place and persons should be all destroyed and blown up at once; (5) which would have turned to the utter ruin of this whole kingdom, had it not pleased Almighty God, by inspiring the King's most excellent majesty with a divine spirit, to interpret some dark phrases of a letter shewed to his Majesty, above and beyond all ordinary construction, thereby miraculously discovering this hidden treason not many hours before the appointed time for the execution thereof: (6) therefore the King's most excellent majesty, the lords spiritual and temporal, and all his Majesty's faithful and loving subjects, do most justly acknowledge this great and infinite blessing to have proceeded merely from God his great mercy, and to his most holy name do ascribe all the honour, glory and praise: (7) and to the end this unfeigned thankfulness may never be forgotten, but be had in a perpetual remembrance, that all ages to come may yield praises to his Divine Majesty for the same, and have in memory THIS JOYFUL DAY OF DELIVERANCE;

How the treason was discovered.

Thanks shall be given to God in every church yearly upon the fifth day of November.

II. Be it therefore enacted by the King's most excellent majesty, the lords spiritual and temporal, and the commons, in this present parliament assembled, and by the authority of the same, That all and singular ministers in every cathedral and parish church, or other usual place for common prayer, within this realm of England and the dominions of the same, shall always upon the fifth day of November say morning prayer, and give unto Almighty God thanks for this most happy deliverance: (2) and that all and every person and persons inhabiting within this realm of England and the dominions of the same, shall always upon that day diligently and faithfully resort to the parish church or chapel accustomed, or to some usual church or chapel where the said morning prayer, preaching, or other service of God shall be used, and then and there to abide orderly and soberly during the time of the said prayers, preaching, or other service of God there to be used and ministered.

The minister shall give warning of the day the Sunday before.

III. And because all and every person may be put in mind of this duty, and be then better prepared to the said holy service, be it enacted by authority aforesaid, That every minister shall give warning to his parishioners publickly in the church at morning prayer, the Sunday before every such fifth day of November, for the due observation of the said day: and that after morning prayer or preaching upon the said fifth day of November, they read publickly, distinctly and plainly this present act.

CAP. II.

An act for the attainder of divers offenders in the late most barbarous, monstrous, detestable and damnable treasons.

IN most humble manner beseechen your most excellent Majesty, your most loyal, faithful and true-hearted subjects, the lords spiritual and temporal, and the commons, in this present parliament assembled, That whereas Arthur Creswel jesuit, who at the time of his profession to be a jesuit took upon him the name of Joseph Creswel, Oswald Tesmond jesuit and Thomas Winter late of Huddington in the county of Worcester, gentleman, the last day of June in the four and fortieth year of the late Queen Elizabeth of famous memory, at Valedolid within the kingdom of Spain, and at divers other days within the same four and fortieth year of the said late Queen, at Valedolid aforesaid, and elsewhere within the same kingdom of Spain, by the means, procurement and privity of Robert Catalby, late of Ashby in the county of Northampton, esquire, Francis Tresham, late of Rushton in the said county of Northampton, esquire, and Henry Garnet jesuit, (assuming upon him to be superior of the jesuits within this realm of England) and others being all natural-born subjects of this realm, did traiterously and against the duty of their allegiance, move and instigate Philip, then and yet King of Spain, then being at open enmity and hostility with the said late Queen, with force to invade this kingdom of England, and to join with the papists and discontented persons within this realm of England, to depose and overthrow the same late Queen of and from her crown, and of and from all her royal estate, title and dignity, and to suppress and abolish the true religion of Almighty God, truly and sincerely professed within this kingdom, and to restore the superstitious Romish religion within the same, and to bring this ancient, famous and most renowned kingdom to utter ruin and miserable captivity under foreign power: (2) And for that the greatest impediment unto the same invasion, would be the want of help of good horses, the said Thomas Winter, the rather to encourage the same King thereunto, was to offer to the same King on the behalf of the papists of England, to give him assistance presently upon the landing of his forces, with one thousand five hundred, or two thousand horses; (3) and that for their better accomplishing thereof, he should move the same King to furnish the papists of England with a good sum of money, partly to be employed to provide and furnish the horses, and partly in pensions, to be employed upon some such as were to be prepared for that service: (4) All which the said Thomas Winter did relate to the said King of Spain, who (the said kingdoms of England and Spain then standing in hostility) took that offer in very good part, saying, That he would respect and account of the catholicks of England, (meaning the papists) as of his own Castilians, and thereupon agreed that he would make invasion, and set foot in England, about the spring then next following, and would by way of exchange send over unto the papists of England one hundred thousand crowns, to be paid at two several days agreed upon. All which particulars are ex-

Certain persons attainted of high treason for conspiring to blow up with gunpowder the parliament-house. Treasons practised in the time of Queen Elizabeth.

To what intent the treasons were practised.

The King of Spain's answer to the traitor's motion.

tant in the confession of some of the chiefest offenders; at which time sundry papists of England did extraordinarily furnish themselves by the traiterous and wicked perswasion and means of sundry jesuits, both with horse and armour.

**Practisers in
Flanders of
invasion of
this realm.**

II. But before these things could be effected, Almighty God called the said late Queen to his mercy: Immediately after whose decease, that is to say, in the same month of March, wherein she departed out of this world, Christopher Wright, late of London, gentleman, was employed by the said Robert Catesby, Francis Tresham, Henry Garnet and others, into Spain, to negotiate with the said King of Spain, by the means of the said Creswel the jesuit, and others, to proceed in that invasion, which the said Thomas Winter had before negotiated with him: (2) And afterwards on the two and twentieth day of June in the first year of your Majesty's reign over this realm of England, Sir William Stanley, knight, Hugh Owen, esquire, William Baldwin, jesuit, and others, did by and with the traiterous procurement, and the consent of the offenders aforesaid, from and out of Flanders, in the parts beyond the seas, under the government of the archduke, traiterously employ and send Guy Fawks, late of London, gentleman, unto the said King of Spain, to negotiate with him on the behalf of the said papists of England, for invasion to be had against this realm of England, to the same effect as was committed to the said Christopher Wright, as is aforesaid: And the said Guy Fawks and Christopher Wright, though they had all the furtherance of the said Creswel the jesuit that he could give, yet finding no such entertainment with the said King, who (as by the sequel appeareth) grew into detestation with the said propositions and negotiations, as they expected or desired; but being wholly disappointed of all their hopes concerning that matter, the said Robert Catesby, and divers other persons within this realm, did send over the said Thomas Winter into the said country of Flanders, to procure the said Guy Fawks, a natural-born subject of this realm, and yet a most traiterous, desperate and bloody-minded person, then serving as a soldier in the Low-Countries, to come over into this realm, and by and with the traiterous conspiracy and consent of the

**The King of
Spain detested
the treason.**

**The practisers
of the gun-
powder trea-
son, and their
wicked intent.**

said Henry Garnet, Oswald Tesmond, John Gerrard, and other jesuits, and Thomas Percy, late of London, esquire, John Wright, late of London, gentleman, the said Christopher Wright, Francis Tresham, Robert Winter, late of Huddington aforesaid, esquire, John Graunt, late of Norbrook in the county of Warwick, esquire, Ambrose Rookwood, late of Stanningfield in the county of Suffolk, esquire, Everard Digby, late of Gotehurst in the county of Buckingham, knight, Robert Keyes, late of London, gentleman, and Thomas Bates, late of London, yeoman, to undertake the execution of the most wicked, barbarous, execrable and abominable treason that ever could enter into the heart of the most wicked man, by blowing up with gun-powder the house of parliament, at such time as your most excellent Majesty, and your dearest consort the Queen, and the most noble prince Henry, together with the lords spiritual and temporal, the judges of the realm, and the knights citizens and burgessees of parliament, should be in the said parliament-house assembled,

assembled, (for which most traitorous and barbarous purpose there were secretly laid in a vault or cellar under the parliament-house, thirty-six barrels of gun-powder, or thereabouts) to the utter overthrow and subversion of the whole state of this flourishing and renowned kingdom, if God of his infinite mercy had not most miraculously, by your Majesty's blessed direction, discovered the same, in finding out the said barrels of gun-powder in the said vault or cellar, but few hours before the time appointed for the execution thereof; (3) all which most heinous, horrible and damnable treasons are most manifest and apparent by the voluntary confessions and acknowledgments of the offenders themselves: Of which most barbarous, bloody and detestable treason for conspiring and preparing to blow up the said parliament-house with gun-powder, the said Robert Winter, Thomas Winter, Guy Fawks, Robert Keys, Ambrose Rookwood, John Graunt and Thomas Bates, have been lately indicted, and during this present session of parliament, arraigned, convicted by verdict, and thereupon attainted: (4) And the said Sir Everard Digby, knight, hath likewise been indicted, and during this present session of parliament convicted and attainted by his own confession of record upon his arraignment, according to the laws of this your Majesty's realm, as by the records of their several indictments and attainders it doth and may more plainly appear; (5) and for the which offences the said Sir Everard Digby, Robert Winter, Thomas Winter, Guy Fawks, Ambrose Rookwood, John Graunt, Robert Keys and Thomas Bates, have suffered pains of death according to their demerits: (6) And the said Robert Castlesby, Thomas Percy, John Wright and Christopher Wright, were lately slain in open rebellion, by them and others the said most wicked traitors moved and stirred within divers parts and counties of this realm, shortly after the said discovery of their said most detestable and damnable treason, in conspiring and preparing to blow up the said parliament-house as aforesaid: (7) and the said Hugh Owen doth (of purpose, and for fear of condign punishment according to his demerits) reside and keep himself beyond the seas, by means whereof he cannot in respect of such his voluntary absence, be arraigned, and publicly by due trial of law, upon apparent testimony and proof against him, be proceeded withal for his said most heinous and abominable treasons: (8) And the said Francis Tresham being likewise one of the said most detestable traitors, and being apprehended and imprisoned in the tower of London, having by sundry his examinations confessed himself a principal traitor in all the said most wicked and abominable treasons, died in the said tower, during the time of his said imprisonment, and before he could be indicted of the said treason, &c. EXP.

Certain of the traitors put to death.

Some slain in the field.

Hugh Owen,

Francis Tresham.

The convictions and attainders of the traitors confirmed. — The forfeiture of the offenders. — The forfeiture of certain of the traitors which were not arraigned. — From what days their several forfeitures shall have relation. — All the lands and goods of the traitors attainted shall be in the actual possession of the King. — A saving the right of others. — Goods, chattels or debts of the traitors given, released or discharged before the fifth of November last.

C A P. III.

An act declaratory, explaining the branch of an act made in the first session 1 Jac. 1. c. 2.

tion of this parliament, intituled, *An act authorising certain commissioners of the realm of England to treat with the commissioners of Scotland, for the union of both kingdoms.* 4 Jac. 1. c. 1.

CAP. IV.

An act for the better discovering and repressing of popish recusants.

FORASMUCH as it is found by daily experience, that many his Majesty's subjects that adhere in their hearts to the popish religion, by the infection drawn from thence, and by the wicked and devilish counsel of jesuits, seminaries, and other like persons dangerous to the church and state, are so far perverted in the point of their loyalties and due allegiance unto the King's majesty, and the crown of England, as they are ready to entertain and execute any treasonable conspiracies and practices, as evidently appears by that more than barbarous and horrible attempt to have blown up with gun-powder the King, Queen, prince, lords and commons in the house of parliament assembled, tending to the utter subversion of the whole state, lately undertaken by the instigation of jesuits and seminaries, and in advancement of their religion, by their scholars taught and instructed by them to that purpose, which attempt by the goodness of Almighty God was discovered and defeated: (2) And where divers persons popishly affected, do nevertheless, the better to cover and hide their false hearts and with the more safety to attend the opportunity to execute their mischievous designs, repair sometimes to church, to escape the penalty of the laws in that behalf provided:

Some popishly affected do repair to the church.

II. For the better discovery therefore of such persons, and their evil affections to the King's majesty, and the state of this his realm, to the end that being known, their evil purposes may be the better prevented; (2) be it enacted by the King's most excellent majesty, the lords spiritual and temporal, and the commons, in this present parliament assembled, and by the authority of the same, That every popish recusant convicted, or hereafter to be convicted, which heretofore hath conformed him or herself, or which shall hereafter conform him or herself, and repair to the church, and continue there during the time of divine service, according to the laws and statutes in that behalf made and provided, shall within the first year next after the end of this session of parliament (if he or she be conformed, as aforesaid, before the end of this session of parliament) or within the first year next after that he or she shall after this session of parliament so conform him or herself, and repair to church, as aforesaid, and after the said first year, shall once in every year following at the least, receive the blessed sacrament of the Lord's supper in the church of that parish where he or she shall most usually abide or be within the said year, wherein by the true meaning of this statute he or she ought so to receive:

- 1 Eliz. c. 1.
- 5 Eliz. c. 1.
- 13 Eliz. c. 2.
- 23 Eliz. c. 1.
- 27 Eliz. c. 2.
- 29 Eliz. c. 6.
- 35 Eliz. c. 1 & 2.

The forfeiture of a conformed recusant which doth not receive the sacrament of the Lord's

III. And if there be no such parish church, then in the church next adjoining to the place of his or her such most usual abode: (2) And if any recusant so conformed shall not receive the said sacrament of the Lord's supper accordingly, he or she shall for such not receiving lose and forfeit for the first year, twenty pounds, and for the second year for such not receiving,

forty

forty pounds, and for every year after for such not receiving, threecore pounds, until he or she shall have received the said sacrament, as is aforesaid : (3) And if after he or she shall have received the said sacrament, as is aforesaid, and after shall afterwards at any time offend in not receiving the said sacrament, as is aforesaid, by the space of one whole year, that in every such case such person so offending shall for every such offence lose and forfeit threecore pounds of lawful *English* money ; (4) the one moiety to be to our sovereign lord the King's majesty, his heirs and successors, and the other moiety to him that will sue for the same ; (5) and to be recovered in any of the King's courts of record at *Westminster*, or before justices of assize or general gaol-delivery, or before justices of the peace at their general quarter-sessions, by action of debt, bill, plaint or information, wherein no essoin, protection or wager of law shall be allowed.

supper yearly.
Cro. Jac. 365.

IV. And be it further enacted by the authority of this present parliament, That the church-wardens and constables of every town, parish or chapel, for the time being, or some one of them, or if there be none such, then the chief constables of the hundred where such town, parish or chapel is or shall be, or one of them, as well in places exempt as not exempt, shall once in every year present the monthly absence from church of all and all manner of popish recusants within such towns and parishes ; (2) and shall present the names of every of the children of the said recusants, being of the age of nine years and upwards, abiding with their said parents, and as near as they can the age of every of the said children as also the names of the servants of such recusants, at the general or quarter sessions of that shire, limit, division or liberty.

Presenting the
monthly ab-
sence from
church of a
recusant.
1 Shower 309.

A recusant's
children and
servants.

V. And be it further enacted by the authority aforesaid, That all such presentments shall be accepted, entered and recorded in the said sessions by the clerk of the peace, or town-clerk for the time being, or his deputy, without any fee to be had, asked or taken for the same : (2) And in default of such presentment to be made, the said church-wardens, constables, or high constables respectively, shall for every such default forfeit twenty shillings ; (3) and in default of such accepting, entering and recording without fee, as aforesaid, the said clerk of the peace or town clerk shall for every such offence forfeit and lose forty shillings.

The present-
ments record-
ed.

VI. And that upon every presentment of such monthly absence as aforesaid, whereupon such party so presented shall after happen to be indicted and convicted, (not being for the same absence before presented) then the said church-wardens, constables or high constables respectively, so making such presentments, shall have a reward of forty shillings ; (2) to be levied out of the recusants goods and estate, in such manner and form as by the more part of the said justices shall be by warrant under their hands and seals then and there ordered and appointed.

The reward of
the church-
wardens and
constables.

VII. And be it further enacted by the authority aforesaid, That the justices of assize and gaol-delivery at their assizes, and the said justices of peace at any of their said sessions, shall have power and authority by virtue of this act to enquire, hear and

What officers
shall enquire
of offenders.

The effect of
the proclama-
tion.

Conviction of
a recusant.

The penalty
of a convicted
recusant.

29 Eliz. c. 6.

Every convic-
tion shall be
certified into
the exchequer.

determine of all recusants and offences, as well for not receiving the sacrament aforesaid, according to the meaning of this law, as for not repairing to church, according to the meaning of former laws, in such manner and form as the said justices of assize and gaol-delivery do or may now do by former laws, in the case of recusancy for not repairing to church; (2) and also shall have power at their said assizes and gaol-delivery, and at the sessions (in which any indictment against any person, either for not repairing to church according to former laws, or not receiving the said sacrament according to this law, shall be taken) to make proclamation, by which it shall be commanded, that the body of every such offender shall be rendered to the sheriff of the same county, or bailiff, or other keeper of the gaol of the liberty, before the next assizes and general gaol-delivery, or before the next general or quarter-sessions respectively to be holden for the said shire, limit, division or liberty: (3) And if at the said next assizes and general gaol-delivery or sessions, the same offender so proclaimed shall not make appearance of record, that then upon every such default recorded, the same shall be as sufficient a conviction in law of the said offence whereof the party shall stand indicted as aforesaid, as if upon the same indictment a trial by verdict thereupon had proceeded, and been found against him or her, and recorded.

VIII. And be it further enacted, That every offender in not repairing to divine service, but forbearing the same, contrary to the statutes in that behalf made and provided, that hereafter shall fortune to be thereof once convicted, shall in such of the terms of *Easter* and *Michaelmas* as shall be next after such conviction, pay into the receipt of the exchequer after the rate of twenty pounds for every month which shall be contained in the indictment whereupon such conviction shall be; (2) and shall also for every month after such conviction, without any other indictment or conviction, forfeit twenty pounds, and pay into the receipt of the exchequer aforesaid, at two times in the year, that is to say, in every *Easter* and *Michaelmas* term, as much as then shall remain unpaid, after the rate of twenty pounds for every month after such conviction; (3) except in such cases where the King shall and may by force of this act refuse the same, and take two parts of the lands, tenements, hereditaments, leases and farms of such offender, till the said party being indicted for not coming to church, contrary to former laws, shall conform himself and come to church, according to the meaning of the statute in that behalf made and provided.

IX. And that every conviction recorded for any offence before-mentioned, shall from the justices before whom the record of such conviction shall be remaining, be certified into the King's majesty's court of exchequer, before the end of the term following such conviction, in such convenient certainty for the time and other circumstances, as the court of exchequer may thereupon award out process for the seizure of the lands and goods of every such offender, as the case shall require: (2)

And

And if default shall be made in any part of any payment aforesaid, contrary to the form herein before limited, that then and so often the King's majesty, his heirs and successors, shall and may by process out of the said exchequer, take, seize and enjoy all the goods, and two parts as well of all the lands, tenements and hereditaments, leases and farms of such offender, as of all other the lands, tenements and hereditaments liable to such seizure, or to the penalties aforesaid, by the true meaning of this act, leaving the third part only of the same lands, tenements and hereditaments, leases and farms, to and for the maintenance and relief of the said offender, his wife, children and family.

X. And whereas by an act made in the session of parliament holden by prorogation at Westminster in the three and twentieth year of the reign of the late Queen Elizabeth, intituled, An act to retain the subsidies of the said late Queen in their due obedience, It was amongst other things enacted by authority of the said parliament, That every person above the age of sixteen years, which should not repair to some church, chapel, or usual place of common prayer, but forbear the same contrary to the tenor of a statute made in the first year of the reign of the said late Queen, for uniformity of common prayer, and being thereof lawfully convicted, should forfeit to the said Queen, for every month after the end of the said session of parliament which he or she should so forbear, twenty pounds of lawful English money, as in and by the said act of parliament more at large appeareth :

The statute of 23 Eliz. c. 1. touching a recusant's monthly forfeiture.

1 Eliz. c. 2.

XI. And whereas afterward by another act of parliament of the said Queen, it was further enacted by the authority of the said parliament (amongst other things) how and when the said payments of the said twenty pounds should be made, and that if default should be made in any part of any payment of the said twenty pounds, contrary to the form in the said last specified statute limited, that then and so often the said Queen should and might by process out of her Highness exchequer take, seize and enjoy all the goods, and two parts as well of all the lands, tenements and hereditaments, leases and farms of such offender, as of all other the lands, tenements and hereditaments, liable to such seizure or to the penalties aforesaid, by the true meaning of the said act of parliament, leaving the third part only of the same lands, tenements and hereditaments, leases and farms, to and for the maintenance and relief of the same offender, his wife, children and family, as in and by the last specified statute more at large also may appear : (2) Now forasmuch as the said penalty of twenty pounds monthly is a greater burden unto men of small living, than unto such as are of better ability, and do refuse to come unto divine service, as aforesaid, who rather than they will have two parts of their lands to be seized, will be ready always to pay the said twenty pounds according to the limitation of the said statutes, and yet retain the residue of their livings and inheritance in their own hands, being of great yearly value, which they do for the most part employ (as experience hath taught) to the maintenance of superstition and popish religion, and to the relief of jesuits, seminaries, popish priests,

How by the statute of 29 Eliz. c. 6. the Queen should recover forfeitures due to her by recusants.

priests, and other dangerous persons to the state; (3) Therefore so the intent that hereafter the penalty for not repairing to divine service might be inflicted in better proportion upon men of great ability; (4) be it enacted by the authority of this present parliament, That the King's majesty, his heirs and successors, shall from and after the feast of Saint Michael the archangel next coming after the end of this session of parliament, have full power and liberty to refuse the penalty of twenty pounds a month, though it be tendered ready to be paid according to the law, and thereupon to seize and take to his own use, and the uses, intents and purposes hereafter limited, two parts in three parts to be divided, as well of all the lands, tenements and hereditaments, leases and farms that at the time of such seizure shall be, or afterward shall come to any the said offenders in not coming to church, or any other to his or her use, or in trust for him or her, or at his or her disposition, or whereby or wherewith, or in consideration whereof, such offender or his family, or any of them, shall be relieved, maintained or kept, as of all other lands, tenements and hereditaments in any wise or at any time liable to such seizure, or to the penalties aforesaid, and the same to retain to his own and other uses, intents and purposes hereafter in this act appointed, till every such offender shall conform him or herself respectively, as aforesaid, in lieu and full recompence of the twenty pounds monthly that during his such seizure and retainer shall incur; any thing in the said statutes, or any of them, or any other statute, to the contrary in any wise notwithstanding: (5) Saving to our sovereign lord the King's majesty, his heirs and successors, and all and every person and persons, bodies politick and corporate, their heirs and successors, (other than the said offender, his or her heirs, and all claiming to his or their use, or in trust for him or them, or at his or their will or disposition) all and all manner of leases, rents, conditions, and other rights and titles whatsoever had, made and done, bona fide, and without fraud and covin, before such seizure.

The King may refuse so l. a month, and take two parts of a recusant's lands.

Lane 106.
Godbolt 216.
pl. 309.

Saving the right of others.

A recusant's mansion-house shall be reserved to him.
The King's two parts shall not be demised to a recusant.

XII. Provided always, and be it enacted by the authority aforesaid, That the King's majesty, his heirs and successors, shall not take into his two parts, but leave to such offender, his chief mansion-house, as part of his third part, and shall not demise, lease nor put over the said two parts, nor any part thereof, to any recusant, nor to or for the use of any recusant: (2) And that whosoever shall take the same in lease, or otherwise, of his Majesty, his heirs and successors, shall give such security not to commit, nor suffer waste to be committed, in or upon any the said premises, as by the court of exchequer shall be allowed sufficient.

XIII. And for the better trial how his Majesty's subjects stand affected in point of their loyalty and due obedience; (2) be it also enacted by the authority aforesaid, That from and after the end of this present session of parliament, it shall be lawful to and for any bishop in his diocese, or any two justices of peace, whereof

whereof one of them to be of the *quorum*, within the limits of their jurisdiction, out of the sessions, to require any person of the age of eighteen years or above, being or which shall be convicted or indicted of or for any recusancy, other than noblemen or noblewomen, for not repairing to divine service, according to the laws of this realm; (3) or which shall not have received the said sacrament twice within the year then next past, noblemen and noblewomen excepted; (4) or any person passing in or through the country, shire or liberty, and unknown, except as is last before excepted, that being examined by them upon oath, shall confess or not deny him self or her self to be a recusant, or shall confess or not deny that he or she had not received the said sacrament twice within the year then last past, to take the oath hereafter following upon the holy evangelists: (5) Which said bishop, or two justices of the peace, shall certify in writing subscribed with his or their hands at the next general or quarter-sessions for that shire, limit, division or liberty, within which the said oath shall be so taken, the christian-name, surname, and place of abode of every person which shall so take the said oath; which certificate shall be there recorded by the clerk of the peace or town-clerk, and kept amongst the records of the said sessions.

Who are compellable to take the oath.

Certificate of the name of him who taketh the oath.

XIV. And be it further enacted, That if any such person or persons, other than noblemen or noblewomen, shall refuse to answer upon oath to such bishop or justices of peace examining him or her, as aforesaid, or to take the said oath so duly tendered unto him or her by such bishop, or two such justices of peace, out of sessions, that then the said bishop or justices of peace shall and may commit the same person to the common gaol, there to remain without bail or mainprize until the next assize or general or quarter-sessions to be holden for the said shire, division, limit or liberty; (2) where the said oath shall be again in the said open assizes or sessions required of such person, by the said justices of assize or justices of peace then and there present, or the greater number of them: (3) And if the said person or persons, or any other person whatsoever, other than noblemen or noblewomen, of the age of eighteen years or above, shall refuse to take the said oath being tendered unto him or her by the justices of assize and gaol-delivery in their open assizes, or the justices of peace, or the greater part of them, in their said general or quarter-sessions, every person so refusing shall incur the danger and penalty of *præmunire*, mentioned in the statute of *præmunire*, made in the sixteenth year of the reign of King Richard the Second; (4) except women covert, who upon refusal of the said oath shall be by the said justices of assize in their open assize, or justices of peace in their general or quarter-sessions, for the said offence committed only to the common gaol, there to remain without bail or mainprize, till they will take the said oath.

Refusal of the oath.

1 Bulfr. 199.

The penalty of præmunire. 16 R. 2. c. 5. Women covert.

The tenor of which oath hereafter followeth :

The form of
the oath of
obedience.

Abolished by
1 W. & M.
sess. 1. c. 2.
c. 2.

XV. **I** A. B. do truly and sincerely acknowledge, profess, testify and declare in my conscience before God and the world, That our sovereign lord King JAMES is lawful and rightful King of this realm, and of all other his Majesty's dominions and countries; and that the Pope neither of himself nor by any authority of the church or see of Rome, or by any other means with any other, hath any power or authority to depose the King, or to dispose any of his Majesty's kingdoms or dominions, or to authorize any foreign prince to invade or annoy him or his countries, or to discharge any of his subjects of their allegiance and obedience to his Majesty, or to give licence or leave to any of them to bear arms, raise tumults or to offer any violence or hurt to his Majesty's royal person, state or government, or to any of his Majesty's subjects within his Majesty's dominions.

(2) Also I do swear from my heart, That notwithstanding any declaration or sentence of excommunication, or deprivation made or granted, or to be made or granted, by the pope or his successors, or by any authority derived or pretended to be derived from him or his see against the said King, his heirs or successors, or any absolution of the said subjects from their obedience: I will bear faith and true allegiance to his Majesty, his heirs and successors, and him and them will defend to the uttermost of my power, against all conspiracies and attempts whatsoever which shall be made against his or their persons, their crown and dignity, by reason or colour of any such sentence or declaration, or otherwise, and will do my best endeavour to disclose and make known unto his Majesty, his heirs and successors, all treasons and traiterous conspiracies which I shall know or hear of to be against him or any of them.

(3) And I do further swear, That I do from my heart abhor, detest and abjure, as impious and heretical, this damnable doctrine and position, That princes which be excommunicated or deprived by the Pope, may be deposed or murdered by their subjects, or any other whatsoever.

(4) And I do believe, and in my conscience am resolved, That neither the Pope nor any other person whatsoever, hath power to absolve me of this oath or any part thereof, which I acknowledge by good and full authority to be lawfully ministered unto me, and do renounce all pardons and dispensations to the contrary.

(5) And all these things I do plainly and sincerely acknowledge and swear, according to these express words by me spoken, and according to the plain and common sense and understanding of the same words, without any equivocation or mental evasion, or secret reservation whatsoever: and I do make this recognition and acknowledgment heartily, willingly and truly, upon the true faith of a christian.

So help me God.

No indictment
of a recusant
shall be re-
versed for de-
fault of form.

(6) Unto which oath so taken, the said person shall subscribe his or her name or mark.

XVI. And be it further enacted by the authority aforesaid, That no indictment or indictments had or found, or hereafter to

to be had or found, against any person or persons, for not repairing to some church or chapel, or usual place of common prayer, but absenting him or her self by the space of one month, contrary to the laws and statutes in that behalf provided, or for not receiving the said sacrament contrary to this present law, nor any proclamation, outlawry or other proceeding thereupon, shall at any time hereafter be avoided, discharged or reversed, by reason of any default in form, or lack of form or other defect whatsoever (other than by direct traverse to the point of not coming to church or not receiving the said sacrament, whereof such person or persons hath been or shall be indicted) but the same indictment shall stand in force and be proceeded upon; any such default of form, or other defect whatsoever notwithstanding.

XVII. Provided always, That if any person or persons so indicted, or to be indicted, shall at any time hereafter submit and conform him or her self, and become obedient to the laws of the church of *England*, and repair to the parish church of his or her most abiding, and if there be no such, then to the church next adjoining to his or her such dwelling, and there hear divine service according to the true meaning of the statute in that behalf made and provided, and there publicly receive the said sacrament according to the laws of this realm of *England* now established; That then every such person and persons so indicted shall and may from thenceforth be admitted and allowed to avoid, discharge, reverse and undo the said indictment and indictments, and all proceedings thereupon, in such manner and form as if this present act had not been had nor made; any thing herein contained to the contrary in any wise notwithstanding.

He that conformeth himself may traverse an indictment.

XVIII. *And forasmuch as it is found by late experience, That such as go voluntarily out of this realm of England to serve foreign princes, states or potentates, are for the most part perverted in their religion and loyalty by jesuits and fugitives, with whom they do there converse:* (2) be it therefore enacted by the authority aforesaid, That every subject of this realm that after the tenth day of *June* next coming shall go or pass out of this realm to serve any foreign prince, state or potentate, or shall after the said tenth day of *June* pass over the seas, and there shall voluntarily serve any such foreign prince, state or potentate, not having before his or their going or passing as aforesaid, taken the oath aforesaid, before the officer hereafter appointed, shall be a felon.

He shall take the oath who goeth out of the realm to serve a foreign prince.
3. Inst. 80.

XIX. And that if any gentleman or person of higher degree, or any person or persons which hath born or shall bear any office or place of captain, lieutenant or any other place, charge or office in camp, army or company of soldiers, or conductor of soldiers, shall after go or pass voluntarily out of this realm, to serve any such foreign prince, state or potentate, or shall voluntarily serve any such prince, state or potentate, before that he and they shall become bound by obligation, with two such sureties as shall be allowed of by the officers which are hereafter by this act limited to take the same bond, unto our sovereign lord the King's majesty, his heirs or successors, in the sum of twenty

A gentleman, captain, or lieutenant serving a foreign prince, shall be bound to the King, &c.

twenty pounds of current *English* money at the least, with condition to the effect following, shall be a felon.

The tenor of which condition followeth, viz.

XX. **T**HAT if the within bounden, &c. shall not at any time then after be reconciled to the pope or see of Rome, nor shall enter into or consent unto any practice, plot or conspiracy whatsoever against the King's majesty, his heirs and successors, or any his and their estate and estates, realms or dominions; but shall within convenient time after knowledge thereof had, reveal and disclose to the King's majesty, his heirs and successors, or some of the lords of his or their honourable privy council, all such practices, plots and conspiracies; that then the said obligation to be void.

Who shall take the obligation, and administer the oath.

XXI. And that for the due execution of this branch of this present law, it shall and may be lawful to and for the customer and comptroller of every port, haven or creek, or one of them, and their or either of their deputy or deputies, and none other, to receive and accept all and every such bond and obligation to and for the uses aforesaid, and to minister and give the oath aforesaid, according to the true intent of this statute, (taking for such bond six-pence and no more, and for the said oath no fee at all:) (2) which said customer and comptroller shall register and certify all and every such bond and oath so taken, into the court of exchequer at *Westminster* once every year, upon pain of five pounds for every bond not so certified, and twenty shillings for every oath not so certified. (3) Provided always, That this last mentioned branch shall not extend to any person or persons which are already gone or shall go beyond the seas to serve any foreign prince, state or potentate, before the tenth day of *June* next coming, for his said going or passing before the said tenth day of *June*.

Putting in practice to absolve or withdraw any from obedience, or to reconcile them to the pope.
3 Eliz. c. 1.

XXII. And further be it enacted by the authority aforesaid, That if any person or persons at any time after the said tenth day of *June* shall either upon the seas or beyond the seas, or in any other place within the dominions of the King's majesty, his heirs or successors, put in practice to absolve, persuade or withdraw any of the subjects of the King's majesty, or of his heirs and successors of this realm of *England*, from their natural obedience to his Majesty, his heirs or successors, (2) or to reconcile them to the pope or see of *Rome*, or to move them or any of them to promise obedience to any pretended authority of the see of *Rome*, or to any other prince, state or potentate; that then every such person, their procurers, counsellors, aiders and maintainers, knowing the same, shall be to all intents adjudged traitors, and being thereof lawfully convicted shall have judgment, suffer and forfeit, as in cases of high treason.

Being withdrawn or reconciled.

XXIII. And if any such person as aforesaid, at any time after the said tenth day of *June* shall be either upon the seas or beyond the seas, or in any other place within the dominions of

of the King's majesty, his heirs or successors, willingly absolved or withdrawn as aforesaid, or willingly reconciled, or shall promise obedience to any such pretended authority, prince, state or potentate as aforesaid: that every such person or persons, their procurers and counsellors, aiders and maintainers, knowing the same, shall be to all intents adjudged traitors; and being thereof lawfully convicted shall have judgment, suffer and forfeit, as in cases of high treason.

XXIV. Provided nevertheless, That the last mentioned clause of this branch, or any thing therein contained, shall not extend or be taken to extend to any person or persons whatsoever, which shall hereafter be reconciled to the pope or see of *Rome* as aforesaid, (for and touching the point of so being reconciled only) that shall return into this realm, and thereupon within six days next after such return, before the bishop of the diocese, or two justices of the peace jointly or severally of the county where he shall arrive, submit himself to his Majesty and his laws, and take the oath set forth by act in the first year of the reign of the late Queen *Elizabeth* (commonly called the oath of supremacy) as also the oath before set down in this present act; (2) which said oaths the said bishop and justices respectively shall have power and authority by this present act to minister to such persons as aforesaid: (3) and the said oaths so taken, the said bishop and justices before whom such oaths shall be so taken respectively, shall certify at the next general or quarter-sessions of the peace to be holden within the said shire, limit, division or liberty, wherein such person as aforesaid shall submit himself and take the said oaths as aforesaid, upon pain of every one neglecting to certify the same as aforesaid, the sum of forty pounds.

A reconciled person taking the oath.

1 Eliz. c. 1.
which is repealed by 1 W.
& M.
Sess. 1. c. 2.
f. 2.

XXV. And be it further enacted, That all and every person and persons that shall offend contrary to this present branch of this statute, shall be indicted, tried and proceeded against by and before the justices of assize and gaol-delivery of that county for the time being, or before the justices of the court of King's bench, and be there proceeded against according to the laws and statutes of this realm against traitors, as if the said offence had been committed in the same county where such person or persons shall be so taken; any law, custom or statute to the contrary in any wise notwithstanding.

Where the trial shall be.

XXVI. Provided always, That if any peer of this realm shall happen to be indicted of any offence made treason by this act, he shall have his trial by his peers as in other like cases of treason is accustomed.

Peers.

XXVII. And be it further enacted, That if any subject of this realm at any time after one month next after the end of this present session of parliament, shall not resort or repair every Sunday to some church, chapel or some other usual place appointed for common prayer, and there hear divine service according to the statute made in that behalf, in the first year of the reign of the late Queen *Elizabeth*, That then it shall and may be lawful to and for any one justice of peace of that limit, division

1 Eliz. c. 2.

or

The forfeiture
for not repairing
to church
weekly.

or liberty, wherein the said party shall dwell, upon proof unto him made of such default or confession of the party or oath of witness, to call the said party before him; (2) and if he or she shall not make a sufficient excuse and due proof thereof, to the satisfaction of the said justice of peace, that it shall be lawful for the said justice of peace to give warrant to the churchwarden of the said parish wherein the said party shall dwell, under his hand and seal, to levy twelve-pence for every such default, by distress and sale of the goods of every such offender, rendering to the said offender the overplus of the money raised of the said goods so to be sold: (3) and that in default of such distress, it shall and may be lawful for the said justice of peace to commit every such offender to some prison within the said shire, division, limit or liberty, wherein such offender shall be inhabiting, until payment be made of the said sum or sums so to be forfeited; (4) which forfeiture shall be employed to and for the use of the poor of that parish wherein the offender shall be resident or abiding at the time of such offence committed.

Within what
time the of-
fender shall be
impeached.

But once pu-
nished for one
offence.

XXVIII. Provided, That no man be impeached upon this clause, except he be called in question for his said default within one month next after the said default made.

XXIX. And that no man being punished according to this branch, shall for the same offence be punished by the forfeiture of twelve pence, upon the law made in the first year of the late Queen Elizabeth.

A repeal of
two branches
of the statute
of 35 Eliz. c.1.
f. 8.

XXX. And because in one act of parliament begun and holden at Westminster, in the five and thirtieth year of the late Queen Elizabeth, intituled, An act to retain the Queen's majesty's subjects in their due obedience, There are two branches contained, the first beginning thus: (And for that every person having a house or family, is in duty bounden to have especial regard of the good government and ordering of the same) and so forth to the next clause, beginning thus, (Provided nevertheless, That this act shall not in any wise extend to punish or impeach any persons for relieving, &c. ending with these words, Any thing in this act contained to the contrary notwithstanding) which said two branches or clauses are found defective:

XXXI. Be it therefore enacted, That the said two branches or clauses of the said act, and no more, shall be by authority of this present parliament utterly repealed and made void.

Relieving or
keeping a re-
cufant in his
house.

XXXII. And in lieu thereof be it enacted, That every person and persons, which after one month next after the end of this present session of parliament shall willingly maintain, retain, relieve, keep or harbour in his or their house, any servant, sojourner or stranger, who shall not go to, or repair to some church or chapel, or usual place of common prayer, to hear divine service, but shall forbear the same by the space of one month together, not having a reasonable excuse, contrary to the laws and statutes of this realm, shall forfeit ten pounds for every month that he, she or they shall so relieve, maintain, retain, keep or harbour any such servant, sojourner or stranger in his or their house, so forbearing as aforesaid.

XXXIII. And

XXXIII. And that every person which shall within the time aforesaid, retain or keep in his, her or their service, fee or livery, any person or persons, which shall not go to, or repair to some church, chapel or usual place of common prayer to hear divine service, but shall forbear the same by the space of one month together, shall forfeit for every month, he, she or they shall so retain, keep or continue in his, her or their service, fee or livery, any such person or persons so forbearing as aforesaid, knowing the same, ten pounds; the same penalties to be recovered and employed in manner and form hereafter following.

XXXIV. Provided nevertheless, That this act shall not in any wise extend to punish or impeach any person or persons for maintaining, retaining, relieving, keeping or harbouring his, her or their father or mother, wanting, without fraud or covin, other habitation, or sufficient maintenance, or the ward of any such person, or any person that shall be committed by authority to the custody of any by whom they shall be so relieved, maintained or kept; any thing in this act contained to the contrary notwithstanding.

The father, mother, ward, &c. person committed by authority.

XXXV. And be it further enacted by authority of this present parliament, That upon any lawful writ, warrant or process awarded to any sheriff or other officer, for the taking or apprehending of any popish recusant standing excommunicated for such recusancy, it shall be lawful for such sheriff or other officer authorized in that behalf, if need be, to break open any house wherein such person excommunicate shall be, or to raise the power of the county, for the apprehending of such person, and the better execution of such warrant, writ or process.

Breaking a house to take a recusant excommunicate.

XXXVI. And be it further enacted, That all and every offence to be committed or done against this present act, shall and may be enquired of, heard and determined before the justices of the King's bench, justices of assize and gaol-delivery, in their several assizes and gaol-deliveries; (2) and all offences other than treason shall be enquired, heard and determined before the justices of peace in their general or quarter-sessions to be holden within the shire, division, limit or liberty wherein such offence shall happen.

In what courts the offences shall be heard and determined.

XXXVII. Provided always, and be it enacted by the authority aforesaid, That any attainder of felony made felony by this act as is aforesaid, shall not in any wise extend to take away the dower of the wife of any such person attainted, or be any bar for the recovery of the same, nor shall make or work any corruption of blood, or disherison of any the heir or heirs of any such person or persons so attainted; this act, or any thing therein contained to the contrary in any wise notwithstanding.

Attainder of felony, no forfeiture of dower, or corruption of blood.

XXXVIII. And be it further enacted, That if any action or actions shall at any time hereafter be commenced or brought against any person or persons doing, committing, or commanding any act or thing, for or concerning the execution of this present statute, or any article or clause therein contained; That then every defendant in such action or actions, may plead

The plea to an action brought for doing any thing by force of this statute.

the general issue, and be received to maintain the same by any evidence that shall prove his doings and proceedings warrantable by this law.

The authority of the ecclesiastical court reserved.

XXXIX. Provided always, That neither this act, nor any thing therein contained, shall extend to take away or abridge the authority or jurisdiction of the ecclesiastical censures, for any cause or matter, but that the commissioners of his Majesty, his heirs and successors, in causes ecclesiastical, for the time being, and the archbishops, bishops, and other ecclesiastical judges, may do and proceed, as before the making of this act they lawfully did or might have done; any thing in this act to the contrary in any wise notwithstanding.

No forfeiture for the wife's offence.

XL. Provided always, and be it enacted, That no person shall be charged or chargeable with any penalty or forfeiture by force of this act, which shall happen for his wife's offence in not receiving the said sacrament during her marriage, nor that any woman shall be charged or chargeable with any penalty or forfeiture by force of this act, for any such offence of not receiving, which shall happen during her marriage.

Who may take the oath of a noble man or woman.

XLI. Provided also, and be it enacted by authority of this present parliament, That in all causes where any bishop or justices of the peace may by force of this act require and take of any subject the oath above mentioned, That the lords of the privy council for the time being, or any six of them, whereof the lord chancellor, lord treasurer, or the principal secretary for the time, to be one, shall have full power and authority by force of this act, at any time or times, to require and take the said oaths before mentioned, of any nobleman or noblewoman (then being above the age of eighteen years;) (2) and if any such nobleman or noblewoman (other than women married) shall refuse to take such oath or oaths, That in every such case, such nobleman or noblewoman shall incur the pain and danger of a *præmunire*.

16 R. 2. c. 5.

Who shall take the oath in the cinque ports.

XLII. Provided also, and be it enacted by the authority of this parliament, That where any person or persons shall go or pass out of the cinque ports, or any member thereof, to any parts beyond the seas, to serve any foreign prince, state or potentate, that in every such case, the lord warden of the cinque ports for the time being, or any person by him in that behalf appointed or to be appointed, shall have full power and authority by virtue hereof, to take the bond, and minister the oath to such passengers, as is above mentioned.

CAP. V.

An act to prevent and avoid dangers which grow by popish recusants.

WHEREAS divers jesuits, seminaries and popish priests daily do withdraw many of his Majesty's subjects from the true service of Almighty God, and the religion established within this realm, to the Romish religion, and from their loyal obedience to his Majesty, and have of late secretly perswaded divers recusants and papists, and encouraged and emboldened them to commit most damnable treasons,

tending

tending to the overthrow of God's true religion, the destruction of his Majesty and his royal issue, and the overthrow of the whole state and commonwealth, if God of his goodness and mercy had not within few hours before the intended time of the execution thereof, revealed and disclosed the same; (2) wherefore to discover and prevent such secret damnable conspiracies and treasons as hereafter may be put in ure by such evil disposed persons, if remedy be not therefore provided; (3) be it enacted by the King's most excellent majesty, the lords spiritual and temporal, and the commons, in this present parliament assembled, and by the authority of the same, That such person as shall first discover to any justice of peace, any recusant or other person which shall entertain or relieve any jesuit, seminary or popish priest, or shall discover any mass to have been said, and the persons that were present at such mass, and the priest that said the same, or any of them, within three days next after the offence committed, and that by reason of such discovery any of the said offenders be taken and convicted or attainted, That then the person which hath made such discovery, shall not only be freed from the danger and penalty of any law for such offence, if he be an offender therein, but also shall have the third part of the forfeiture of all such sums of money, goods, chattels and debts, which shall be forfeited by such offence, (so as the same total forfeiture exceed not the sum of one hundred and fifty pounds; (4) and if it exceed the sum of one hundred and fifty pounds, the said person so discovering the said offence shall have the sum of fifty pounds only for every such discovery;) (5) and such person so discovering the same, after conviction of the offender, shall have a certificate from the judges or justices of peace before whom such conviction shall happen, to be directed to the sheriff or other officer of the same county, limit or place, that shall seize the goods or levy the said forfeiture, commanding the said sheriff or other officer to pay the same accordingly to him that so discovered the same, out of the monies to be levied by virtue of the said forfeitures, which warrant and payment shall be effectual in the law for that purpose, and a sufficient discharge in that behalf for the sheriff, or other officer upon his account.

The reward of him who discovereth a priest or mass.

II. And whereas the repair of such evil-affected persons to the court, or to the city of London, may be very dangerous to his Majesty's person, and may give them more liberty to meet, consult and plot their treasons and practices against the state, than if they should be restrained and confined unto their private houses in the country: (2) for remedy hereof, be it enacted by the authority aforesaid That no popish recusant convicted or to be convicted shall come into the court or house where the King's majesty, or his heir apparent to the crown of England shall be, unless he be commanded so to do by the King's majesty, his heirs and successors, or by warrant in writing from the lords and others of the most honourable privy council of the King's majesty, his heirs and successors, or any of them; (3) upon pain to forfeit for every time so offending, one hundred pounds; the one moiety to the King's

A recusant shall not come to the court.

majesty, his heirs and successors; the other moiety to him that will discover and sue for the same, by action of debt, bill, plaint or information in any of his Majesty's courts of record, wherein no essoin, protection or wager of law shall be allowed.

Recusants
shall depart
from London.

III. And that all popish recusants indicted or convicted, and all other persons, which have not repaired to some usual church or chapel, and there heard divine service, but have forborn the same by the space of three months last past, contrary to the laws and statutes of this realm, dwelling, abiding or remaining within the city of *London*, or the liberties thereof, or within ten miles of the said city, shall within three months next after the end of this session of parliament, depart from the said city of *London*, and ten miles compass of the same; (2) and also shall deliver up their names to the lord mayor of *London*, in case such recusant do dwell or remain within the said city of *London*, or the liberties thereof: (3) and in case the said recusant shall dwell or remain in any other county within ten miles of the same city, then the said recusant shall deliver up his or her name to the next justice of peace within such county where the said recusant shall so dwell or remain, within forty days after the end of this session of parliament; (4) upon pain that every person so offending herein shall forfeit to our sovereign lord the King's majesty, his heirs and successors, the sum of one hundred pounds; the one moiety whereof shall be to the King's majesty, his heirs and successors; the other moiety to him or them that will sue for the same by action of debt, bill, plaint or information, in any of the King's majesty's courts of record, wherein no essoin, protection or wager of law shall be admitted or allowed.

IV. And that all popish recusants which shall hereafter come, dwell or remain within the said city of *London* or the liberties thereof, or within ten miles of the said city, which now are or hereafter shall be indicted or convicted of such recusancy, or which shall at any time hereafter not repair unto some usual church or chapel, and there hear divine service, but shall forbear the same by the space of three months, contrary to the laws and statutes of this realm, shall within ten days after such indictment or conviction depart from the said city of *London*, and ten miles compass of the same, and also shall deliver up their names to the lord mayor of *London* for the time being, in case such recusant shall dwell or remain within the said city of *London* or the liberties thereof; (2) and in case the said recusant shall dwell or remain in any other county within ten miles of the said city, then the said recusant shall deliver up his or her name to the next justice of peace within such county where the said recusant shall so dwell or remain, within the said ten days next after such indictment or conviction; (3) upon pain that every person offending herein shall likewise forfeit to our said sovereign lord the King's majesty, his heirs and successors, the like sum of one hundred pounds; the one moiety whereof shall be to the King's majesty, his heirs and successors, and the other moiety to him or them that will sue for the same by action of debt, bill, plaint or

or information, in any of the King's majesty's courts of record, wherein no effoin, protection or wager of law shall be admitted or allowed.

V. Provided always, That such person or persons as now use any trade, mystery or manual occupation within the said city of *London*, or within ten miles of the same, and such as have or shall have their only dwelling within the said city, or ten miles compass of the same, not having any other dwelling or place of abode elsewhere, shall or may remain and continue in such place within the said city, or ten miles of the same, as they have dwelled, inhabited or remained in by the space of three months next before this present session of parliament; any thing herein contained to the contrary notwithstanding.

II. *And whereas by a statute made at Westminster in the five and thirtieth year of the reign of Queen Elizabeth, intituled, An act for the restraining of popish recusants to some certain place of abode, it was amongst other things ordained and enacted, That every popish recusant then or after convicted for not repairing to church, chapel, or usual place of common prayer, having any certain place of dwelling and abode within this realm, should within the time limited by the said statute repair to their place of usual dwelling and abode, or not having any certain place of dwelling or abode within this realm, should likewise within the time limited by the said statute repair to the place where such person was born, or where the father or mother of such person should be dwelling, and not at any time remove or pass above five miles from thence, under the pains in the said statute limited and provided; (2) which statute, by reason of sundry licences given unto such recusants, under colour of a proviso in the said statute contained, hath not wrought that good effect in the commonwealth as was hoped: (3) be it therefore enacted and ordained by this present parliament, and by the authority of the same, That the said statute made in the said five and thirtieth year of the said Queen Elizabeth, for and concerning the confining of the said recusants under the pains and penalties therein contained, shall by this act, and by the authority of the same, be confirmed, and be hereafter put in due execution, according to the tenor, true intent and meaning of the said statute in that behalf made: (4) and that the said proviso in the said statute contained, giving power to grant licence or licences unto the said recusants, to go and travel from or out of the compass of the said five miles, shall be from and after the end of this present session of parliament utterly repealed and void; any thing in the said statute to the contrary in any wise notwithstanding.*

Tradesmen
and dwellers
in London.

A recusant
confined.

A repeal of a
proviso con-
tained in the
statute of
35 Eliz. c. 2.
touching li-
cences to re-
cusa.

VII. Provided nevertheless, and be it further enacted by this present parliament, and by the authority of the same, That it shall and may be lawful for the King's most excellent majesty, his heirs and successors, or for three or more of his Majesty's most honourable privy council, or for three or more of the privy council of his heirs and successors, in writing under the hands of the said privy counsellors, to give licence to every such recusant to go and travel out of the compass of the said five miles,

Licence to a
recusant con-
fined.

for such time as in the said licence shall be contained, for their travelling, attending and returning, and without any other cause to be expressed within the said licence: (2) and if any of the persons which are so confined by virtue of the said statute, as is aforesaid, shall have necessary occasion or business to go and travel out of the compass of the said five miles, that then and in every such case, upon licence in writing in that behalf to be gotten, under the hands and seals of four of the justices of peace of the same county, limit, division or place next adjoining to the place of abode of such recusant, with the privity and assent in writing of the bishop of the diocese, or of the lieutenant, or of any deputy-lieutenant of the same county residing within the said county or liberty, under their hands and seals; (3) in every of which licence or licences in writing so to be had and made, shall be specified and contained both the particular cause of the said licence, and the time how long the said party licensed shall be absent, in travelling, attending and returning: (4) it shall and may thereupon be lawful for every such person so licensed, to go and travel about such their necessary business, and for such time only for their travelling, attending and returning, as shall be comprised in the said licence, the said party so licensed first taking his corporal oath before the said four justices of the peace, or any of them (who shall have authority by virtue of this act to minister the same) that he hath truly informed them of the cause of his journey, and that he shall not make any causeless stays:

The effect of a licence to be granted by four justices of peace.

(5) And that all and every licence hereafter to be made in this behalf, contrary to the tenor, effect and true meaning of this statute, shall be utterly void, frustrate and of none effect; any thing in the said former act, or in this act to the contrary notwithstanding. (6) And every person so confined, which shall depart or go above five miles from the place whereunto he is or shall be confined, not having such licence, and not having taken such oath as aforesaid, shall incur the pain and penalty, and forfeit as a recusant convicted, and passing or going above five miles from the said place whereunto he is or shall be confined, by the said statute of *tricesimo quinto Elizabethæ*, should do.

35 Eliz. c. 2.

A recusant disabled to practise certain offices and functions.

VIII. And be it further enacted by the authority aforesaid, That no recusant convict shall at any time after the end of this session of parliament practise the common law of this realm as a counsellor, clerk, attorney or solicitor in the same, nor shall practise the civil law as advocate or proctor; (2) nor practise physick, nor use or exercise the trade or art of an apothecary; (3) nor shall be judge, minister, clerk or steward of or in any court, or keep any court, nor shall be register or town-clerk, or other minister or officer in any court; (4) nor shall bear any office or charge as captain, lieutenant, corporal, serjeant, ancientbearer or other office in camp, troop, band or company of soldiers; nor shall be captain, master, governor, or bear any office or charge of or in any ship, castle or fortress of the King's majesty's, his heirs and successors; (5) but be utterly disabled

for

for the same: (6) and every person offending herein shall also forfeit for every such offence one hundred pounds; the one moiety whereof shall be to the King's majesty, his heirs and successors, and the other moiety to him that will sue for the same by action of debt, bill, plaint or information, in any of the King's majesty's courts of record, wherein no essoin, protection or wager of law shall be admitted or allowed.

IX. And be it also enacted by the authority aforesaid, That no popish recusant convict, nor any having a wife being a popish recusant convict, shall at any time after the end of this session of parliament, or any popish recusant hereafter to be convict, or having a wife which hereafter shall be a popish recusant convict, at any time after his or her conviction, shall exercise any publick office or charge in the commonwealth, but shall be utterly disabled to exercise the same by himself, or by his deputy; except such husband himself, and his children, which shall be above the age of nine years abiding with him, and his servants in household, shall once every month at the least, not having any reasonable excuse to the contrary, repair to some church or chapel usual for divine service, and there hear divine service; (2) and the said husband, and such his children and servants as are of meet age, receive the sacrament of the Lord's supper at such times as are limited by the laws of this realm, and do bring up his said children in true religion.

No recusant shall be a publick officer.

X. And be it also enacted by the authority aforesaid, That every married woman, being or that shall be a popish recusant convicted, (her husband not standing convicted of popish recusancy) which shall not conform her self and remain conformed, but shall forbear to repair to some church or usual place of common prayer, and there to hear divine service and sermon, if any then be, and within the said year receive the sacrament of the lord's supper, according to the laws of this realm, by the space of one whole year next after the death of her said husband, shall forfeit and lose to the King's majesty, his heirs and successors, the issues and profits of two parts of her jointure, and two parts of her dower, in three parts to be divided, during her life, of or out of any the lands, tenements or hereditaments, which are or were her said husbands, and also be disabled to be executrix or administratrix of her said husband, and to have or demand any part or portion of her said late husband's goods or chattels, by any law, custom or usage whatsoever.

A woman married recusant.
7 Jac. 1. c. 6.

XI. And be it further enacted by the authority aforesaid, That every popish recusant which is or shall be convicted of popish recusancy, shall stand and be reputed to all intents and purposes disabled, as a person lawfully and duly excommunicated, and as if he or she had been so denounced and excommunicated according to the laws of this realm, until he or she so disabled shall conform him and her self, and come to church, and hear divine service, and receive the sacrament of the Lord's supper, according to the laws of this realm, and also take the oath appointed and prescribed in one other act made this present session of par-

A recusant shall be as excommunicated.
2 Bulstr. 155.

3 Jac. 1. c. 4.

tiament, intituled, *An act for the better discovering and repressing of popish recusants*: (2) and that every person and persons sued or to be sued by such person so disabled, shall and may plead the same in disabling of such plaintiff, as if he or she were excommunicated by sentence in the ecclesiastical court.

What actions
a recusant
may prosecute.
Litch 172,
177.

XII. Provided nevertheless, That it shall and may be lawful for any such person so disabled, for and notwithstanding any thing in this law contained, to sue or prosecute any action or suit for or concerning only such of his or her lands, tenements, leases, rents, annuities and hereditaments, or for the issues and profits thereof, which are not to be seized or taken into the King's hands, his heirs or successors, by force of any law, for or concerning his or her recusancy, or any part thereof.

Recusants
marriages by
priests, &c.

XIII. *And for that popish recusants are not usually married, nor their children christened, nor themselves buried according to the law of the church of England, but the same are done superstitiously by popish persons in secret, whereby the days of their marriages, births and burials cannot be certainly known*: (2) be it further enacted by authority of this present parliament, That every man being or which shall be a popish recusant convicted, and who shall be hereafter married otherwise than in some open church or chapel, and otherwise than according to the orders of the church of England, by a minister lawfully authorized, shall be utterly disabled and excluded to have any estate of freehold into any the lands, tenements and hereditaments of his wife, as tenant by the courtesy of England: (3) and that every woman being, or which shall be, a popish recusant convicted, and who shall be hereafter married in other form than as aforesaid, shall be utterly excluded and disabled, not only to claim any dower of the inheritance of her husband, whereof she may be endowable, or any jointure of the lands and hereditaments of her husband, or any of his ancestors, but also of her widow's estate and frank-bank in any customary lands whereof her husband died seised, and likewise be disabled and excluded to have or enjoy any part or portion of the goods of her said husband, by virtue of any custom of any county, city or place where the same shall lie or be; (4) and if any such man shall be married with any woman contrary to the intent and true meaning of this act, which woman hath or shall have no lands, tenements or hereditaments, whereof he may be entitled to be tenant by the courtesy, then such man so marrying as aforesaid, shall forfeit and lose one hundred pounds, the one half thereof to be to the King's majesty, his heirs and successors, and the other moiety to such person or persons as shall sue for the same by action of debt, bill, plaint or information, in any of the King's majesty's courts of record, wherein no essoin, protection or wager of law shall be admitted or allowed.

The baptism
of recusant
children.

XIV. And that every popish recusant which shall hereafter have any child born, shall within one month next after the birth thereof cause the same child to be baptized by a lawful minister, according to the laws of this realm, in the open church of the same parish where the child shall be born, or in some other church

church near adjoining, or chapel where baptism is usually administered: or if by infirmity of the child it cannot be brought to such place, then the same shall within the time aforesaid be baptized by the lawful minister of any of the said parishes or places aforesaid; (2) upon pain that the father of such child, if he be living by the space of one month next after the birth of such child, or if he be dead within the said month, then the mother of such child, shall for every such offence forfeit one hundred pounds of lawful money of *England*; one third part whereof to be to the King's majesty, his heirs and successors; one other third part to the informer, or him that will sue for the same, and the other third part to the poor of the said parish, to be recovered by action of debt, bill, plaint or information, in any of the King's majesty's courts of record, wherein no essoin, protection or wager of law shall be admitted or allowed.

XV. And if any popish recusant, man or woman, not being excommunicate, shall be buried in any place other than in the church or church-yard, or not according to the ecclesiastical laws of this realm, that the executors or administrators of every such person so buried; knowing the same, or the party that causeth him to be so buried, shall forfeit the sum of twenty pounds; the one third part whereof shall be to our sovereign lord the King; the other third part to the informer, or him or them that will sue for the same; and the other third part to the poor of the parish where such person died, to be recovered by action of debt, bill, plaint or information, in any of the King's majesty's courts of record, wherein no essoin, protection or wager of law shall be admitted or allowed.

The forfeiture for burying recusants, not excommunicate, out of the church or church-yard.

XVI. And be it further enacted by this present parliament, That if the children of any subject within this realm (the said children not being soldiers, mafiners, merchants, or their apprentices or factors) to prevent their good education in *England*, or for any other cause, shall hereafter be sent or go beyond seas, without licence of the King's majesty, or six of his honourable privy council (whereof the principal secretary to be one) under their hands and seals, That then all and every such child and children so sent, or which shall so go beyond the seas, shall take no benefit by any gift, conveyance, descent, devise or otherwise, of or to any lands, tenements, hereditaments, leases, goods or chattels, until he or they being of the age of eighteen years or above, take the oath mentioned in an act of parliament made this present session, intituled, *An act for the better discovering and repressing of popish recusants*, before some justice of peace of the county, liberty or limit, where such parents of such children as shall be so sent, did and shall inhabit or dwell; (2) and that in the mean time the next of his or her kin, which shall be no popish recusant, shall have and enjoy the said lands, tenements, hereditaments, leases, goods and chattels so given, conveyed, descended or devised, until such time as the person so sent or gone beyond the seas, shall conform him or herself, and take the aforesaid oath, and receive the sacrament of the

The forfeiture of children departing the realm.

3 Jac. 1. c. 4,
Hob. 73.
1 Roll. 108,

lord's

lord's supper : (3) and after such oath taken, and conforming of himself, and receiving the sacrament of the supper of the Lord, he or they which have so received the profits of the said lands, tenements, hereditaments, goods and chattels or any of them, shall make account of the profits so received, and in reasonable time make payment thereof, and restore the value of the said goods to such person as shall so conform him or herself as aforesaid : (4) and that all such persons as shall send the said child or children over seas, without licence as aforesaid (unless the said child or children be merchants, or their apprentices or factors, mariners or soldiers) shall forfeit one hundred pounds, to be divided, had and recovered in three equal parts, whereof the one third part shall be to the King, his heirs and successors, the other third part to such as shall sue for the same, and the other third part to the poor of such parish where such offender doth inhabit or remain, by action of debt, bill, plaint or information, in any the King's majesty's courts of record, wherein no escoign, protection or wager of law shall be admitted or allowed.

The forfeiture of him who sendeth his child beyond the sea.

1 Jac. 1. c. 4.
3 Car. 1. c. 2,
Altered by
11 & 12 W. 3.
c. 4. f. 6,

The forfeiture of the persons gone beyond sea.

XVII. *And for that many subjects of this realm, being neither merchants, nor their factors, nor apprentices, soldiers nor mariners, are of late gone beyond the seas without licence, and are not as yet returned,* (2) be it further enacted by the authority of this present parliament, That if any of the said persons so gone beyond the seas without licence, which are not yet returned, shall not within six months next after their return into this realm, then being of the age of eighteen years or more, take the oath above specified before some justice of peace of the county, liberty or limit, where such person shall inhabit or remain, that then every such offender shall take no benefit by any gift, conveyance, descent, devise, or otherwise, of or to any lands, tenements, hereditaments, goods or chattels, until he or they, being of the said age of eighteen years or above, take the said oath : (3) and that likewise in the mean time the next of kin to the person so offending, which shall be no popish recusant, shall have and enjoy the said lands, tenements, hereditaments, goods and chattels so given, conveyed, descended or devised, until such time as the person so offending shall conform himself, and take the aforesaid oath, and receive the said sacrament of the Lord's supper ; (4) and after such conforming, taking of the said oath, and receiving of the said sacrament, he or they that shall have so received the profits of the said lands, tenements, hereditaments, goods and chattels, shall make account of the profits so received, and in reasonable time make payment thereof, and of the value of such goods and chattels, to such person as shall so conform him or herself as aforesaid.

A recusant shall not present to a benefice, nor grant an advowson.
Enlarged by
1 W. & M.

XVIII. And be it further enacted by the authority of this present parliament, That every person or persons that is or shall be a popish recusant convict, during the time that he shall be or remain a recusant, shall from and after the end of this present session of parliament, be utterly disabled to present to any benefice with cure or without cure, prebend or any other

other ecclesiastical living, or to collate or nominate to any free school, hospital or donative whatsoever, and from the beginning of this present session of parliament, shall likewise be disabled to grant any avoidance to any benefice, prebend or other ecclesiastical living.

Sess. 1. c. 26.
and 12 Annæ,
stat. 2. c. 24.

XIX. And that the chancellor and scholars of the university of *Oxford*, so often as any of them shall be void, shall have the presentation, nomination, collation and donation of and to every such benefice, prebend or ecclesiastical living, school, hospital and donative, set, lying and being in the counties of *Oxford, Kent, Middlesex, Suffex, Surrey, Hampshire, Berkshire, Buckinghamshire, Gloucestershire, Worcestershire, Staffordshire, Warwickshire, Wiltshire, Somersetshire, Devonshire, Cornwall, Dorsetshire, Herefordshire, Northamptonshire, Pembrokeshire, Caermarthenshire, Brecknockshire, Monmouthshire, Cardiganshire, Montgomeryshire*, the city of *London*, and in every city and town, being a county of itself, lying and being within any of the limits or precincts of any of the counties aforesaid, or in, or within any of them, as shall happen to be void during such time as the patron thereof shall be and remain a recusant convict as aforesaid.

The chancellor and scholars of Oxford shall present to a recusant's benefice in certain counties.
Jones 17.

XX. And that the chancellor and scholars of the university of *Cambridge*, shall have the presentation, nomination, collation and donation of and to every such benefice, prebend or ecclesiastical living, school, hospital and donative, set, lying and being in the counties of *Essex, Herefordshire, Bedfordshire, Cambridgeshire, Huntingdonshire, Suffolk, Norfolk, Lincolnshire, Rutlandshire, Leicestershire, Derbyshire, Nottinghamshire, Shropshire, Cheshire, Lancashire, Yorkshire*, the county of *Durham, Northumberland, Cumberland, Westmerland, Radnorshire, Denbighshire, Flintshire, Carnarvonshire, Angleseyshire, Merionethshire, Glamorganshire*, and in every city and town, being a county of itself, lying within any of the limits or precincts of any of the counties last before mentioned, or in or within any of them, as shall happen to be void during such time as the patron thereof shall be and remain a recusant convict as aforesaid.

The chancellor and scholars of Cambridge,

XXI. Provided, That neither of the said chancellors and scholars of either of the said universities, shall present or nominate to any benefice with cure, prebend or other ecclesiastical living, any such person as shall then have any other benefice with cure of souls, and if any such presentation or nomination shall be had or made of any such person so beneficed, the said presentation or nomination shall be utterly void; any thing in this act to the contrary notwithstanding.

None shall be presented who hath another benefice.

XXII. Moreover, because recusants convicted are not thought meet to be executors or administrators to any person or persons whatsoever, nor to have the education of their own children, much less of the children of any other of the King's subjects, nor to have the marriage of them; (2) be it therefore enacted by the authority aforesaid, That such recusants convicted, or which shall be convicted at the time of the death of any testator, or at the time of the granting

A recusant shall not be executor or administrator.

A recusant
shall be no
guardian.

granting of any administration, shall be disabled to be executor or administrator by force of any testament hereafter to be made, or letters of administration hereafter to be granted, nor shall have the custody of any child, as guardian in chivalry, guardian in socage, or guardian in nurture, of any lands, tenements or hereditaments, being freehold or copyhold, but shall be adjudged disabled to have any such wardship or custody of any such child, or of their lands, tenements or hereditaments, being freehold or copyhold as aforesaid.

Who shall
have the ward-
ship.

XXIII. And that for the better education and preservation of the said children, and of their estates, the next of the kin to such child or children, to whom the said lands, tenements or hereditaments of such child or children cannot lawfully descend, who shall usually resort to some church or chapel, and there hear divine service, and receive the holy sacrament of the Lord's supper thrice in the year next before, according to the laws of this realm, shall have the custody and education of the same child, and of his said lands and tenements, being holden in knights service, until the full age of the said ward of one and twenty years, and of his said lands, tenements and hereditaments, being holden in socage, as a guardian in socage, (2) and of the said lands, tenements and hereditaments holden by copy of court-roll of any manor, so long as the custom of the said manor shall permit and allow the same; (3) and in every of the said cases shall yield an account of the profits thereof to the said ward, as the case shall require.

The King's
wards.

XXIV. And that if at any time hereafter, any of the wards of the King's majesty, or of any other, shall be granted or sold to any popish recusant convict, such grant or sale shall be utterly void and of none effect.

Popish books.

XXV. And be it further enacted by the authority of this present parliament, That no person or persons shall bring from beyond the seas, nor shall print, sell or buy any popish primers, ladies psalters, manuals, rosaries, popish catechisms, missals, breviaries, portals, legends and lives of saints, containing superstitious matter, printed or written in any language whatsoever, nor any other superstitious books printed or written in the *English* tongue; (2) upon pain of forfeiture of forty shillings for every such book; one third part thereof to be to the King's majesty, his heirs and successors, one other third part to him that will sue for the same, and the other third part to the poor of the parish where such book or books shall be found, to be recovered by action of debt, bill, plaint or information, in any of the King's majesty's courts of record, wherein no essoin, protection or wager of law shall be admitted or allowed, and the said books to be burned.

Justices may
search for
books printed,
&c.

XXVI. And that it shall be lawful for any two justices of peace within the limits of their jurisdiction or authority, and to all mayors, bailiffs and chief officers of cities and towns corporate in their liberties from time to time, to search the
houses

houses and lodgings of every popish recusant convict, or of every person whose wife is or shall be a popish recusant convict, for popish books and relicks of popery: (2) and that if any altar, pix, beads, pictures, or such like popish relicks, or any popish book or books, shall be found in their or any of their custody, as in the opinion of the said justices, mayor, bailiff or chief officer, as aforesaid, shall be thought unmeet for such recusant, as aforesaid, to have or use the same, shall be presently defaced and burnt, if it be meet to be burned: (3) and if it be a crucifix, or other relick of any price, the same to be defaced. A crucifix defaced. faced at the general quarter-sessions of the peace in the county where the same shall be found, and the same so defaced to be restored to the owner again.

XXVII. And be it also enacted by the authority aforesaid, A recusant's armour. That all such armour, gunpowder and munition, of whatsoever kinds, as any popish recusant convict within this realm of *England*, hath or shall have in his house or houses, or elsewhere, or in the hands or possession of any other at his or their disposition, shall be taken from such popish recusants or others which have or shall have the same to the use of such popish recusant, by warrant of four justices of peace at their general or quarter-sessions, to be holden in the same county where such popish recusant shall be resident (other than such necessary weapons, as shall be thought fit by the said four justices of peace to remain and be allowed for the defence of the person or persons of such recusants, or for the defence of his, her or their house or houses) and that the said armour and munition so taken, shall be kept and maintained at the costs of such recusants, in such places as the said four justices of peace at their said sessions of the peace shall set down and appoint.

XXVIII. And be it further enacted by the authority aforesaid, The forfeiture of a recusant not delivering his armour. That if any such recusant having or which shall have any such armour, gunpowder and munition, or any of them, or if any other person or persons which shall have any such armour, gunpowder and munition, or any of them, to the use of any such recusant, shall refuse to declare or manifest unto the said justices of the peace, or any of them, what armour he, she or they have, or shall have, or shall let, hinder or disturb the delivery thereof, to any of the said justices, or to any other person or persons authorized by their warrant to take and seize the same; then every such person so offending contrary to this statute in this behalf, shall forfeit and lose to the King's majesty, his heirs and successors, his and their said armour, gunpowder and munition, and shall also be imprisoned by warrant of or from any justices of peace of such county, by the space of three months, without bail or mainprize.

XXIX. And yet nevertheless, be it enacted by the authority aforesaid, A recusant shall maintain his armour. That notwithstanding the taking away of such armour, gunpowder and munition, the said popish recusant shall and may be charged with the maintaining of the same, and with the buying, providing and maintaining of horse, and other

other armour and munition, in such sort as other his Majesty's subjects from time to time shall be appointed and commanded, according to their several abilities and qualities, and that the said armour and munition, at the charge of such popish recusant, for them, and as their own provision of armour and munition, shall be shewed at every muster, shew or use of armour to be had or made within the said county.

Ecclesiastical
censures.

XXX. Provided always, That neither this act, nor any thing therein contained, shall extend to take away or abridge the authority or jurisdiction of the ecclesiastical censures, for any cause or matter; but that the commissioners of his Majesty, his heirs and successors, in causes ecclesiastical, for the time being, archbishops, bishops and other ecclesiastical judges, may do and proceed as before the making of this act they lawfully did or might have done; any thing in this act to the contrary in any wise notwithstanding.

CAP. VI.

An act to enable all his Majesty's loving subjects of England and Wales, to trade freely into the dominions of Spain, Portugal and France.

Explained by
4 Jac. c. 9.
f. 3.

The King
granted a
charter of in-
corporation
to certain
merchants to
trade into
Spain, &c.
Skinner 132.

The several
inconvenien-
cies that
would ensue
if the said
charter should
take effect.

WHEREAS divers merchants have of late obtained from the King's most excellent majesty, under the great seal of England, a large charter of incorporation for them and their company to trade into the dominions of Spain and Portugal, and are also most earnest suitors to obtain the like from his said Majesty for France, whereby none but themselves, and such as they shall think fit, as being meer merchants, shall take benefit of the said charter, disabling thereby all others his Majesty's loving subjects of this realm of England and Wales, who during all the time of her late Majesty's wars, were in divers respects greatly charged for the defence of their prince and country, and therefore ought indifferently to enjoy all the benefits of this most happy peace; (2) and also debarring them from that free enlargement of common traffick into those dominions, which others his Majesty's subjects of his realms of Scotland and Ireland do enjoy; (3) to the manifest impoverishing of all owners of ships, masters, mariners, fishermen, clothiers, tuckers, spinsters, and many thousands of all sorts of handicraftsmen, besides the decrease of his Majesty's customs, subsidies and other impositions, and the ruin and decay of navigation, together with the abating of the prices of our wools, cloth, corn and such like commodities, arising and growing within this his said Majesty's realm of England, and the enhancing of all French and Spanish commodities, by reason of the insufficiency of the merchants, they being few in number, and not of ability to keep the great number of our ships and sea-faring men awork, and to vent the great store of commodities which this his Majesty's dominion of England doth yield; (4) and by means that all owners and mariners, with divers others (if these incorporations should continue) shall be cut off from their ordinary means of maintenance, and preserving their estates; and finally, by reason that all French and Spanish commodities shall be in a few
mens

mens hands : (5) in respect whereof, as also for many other manifold inconveniences growing thereby, much hurt and prejudice must needs redound to all his Majesty's loving subjects of this his Highness's realm of England, if reformation for the prevention of so great an evil be not had in due time : (6) for remedy whereof, be it enacted by the King's most excellent majesty, the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That it shall and may be lawful to and for all his Majesty's subjects of this his Highness's realm of England and Wales, from henceforth at all times to have free liberty to trade into and from the dominions of Spain, Portugal and France, in such sort, and in as free manner, as was at any time accustomed sithence the beginning of this his Highness's most happy reign in this his realm of England, and at any time before the said charter of incorporation was granted, paying to the King's most excellent majesty, his heirs and successors, all such customs and other duties as by the laws and statutes of this realm ought to be paid and done for the same : the said charter of incorporation, or any other charter, grant, act, or any thing else, heretofore made or done, or hereafter to be done, to the contrary in any wise notwithstanding.

All the King's subjects may trade into and from Spain, Portugal and France.

II. Provided always, That this act, or any thing therein contained, shall not be of force to enable or give liberty to any person or persons to go over seas without licence, who by the laws and statutes of this realm, or by any statute hereafter to be made, shall be restrained from going beyond the seas without licence ; any thing to the contrary notwithstanding.

None restrained by law may depart the realm without licence.

C A P. VII.

An act to reform the multitudes and misdemeanors of attornies and solicitors at law, and to avoid unnecessary suits and charges in law.

FOR that through the abuse of sundry attornies and solicitors by charging their clients with excessive fees and other unnecessary demands, such as were not, ne ought by them to have been employed or demanded, whereby the subjects grow to be overmuch burthened, and the practise of the just and honest serjeant and counsellor at law greatly slandered : and for that to work the private gain of such attornies and solicitors, the client is oftentimes extraordinarily delayed :

(2) be it enacted by the authority of this present parliament, That no attorney, solicitor, or servant to any, shall be allowed from his client or master, of or for any fee given to any serjeant or counsellor at law, or of or for any sum or sums of money given for copies to any clerk or clerks or officers in any court or courts of record at *Westminster*, unless he have a ticket subscribed with the hand and name of the same serjeant or counsellor, clerk or clerks, or officers aforesaid, testifying how much he hath received for his fee, or given or paid for copies, and at what time, and how often : (3) and that all attornies and solicitors shall give a true bill unto their masters or clients, or

An attorney shall have a ticket of the money which he giveth for fees, &c. 1 Salk. 86. Aleyn 4.

A bill of charges. their

Carthew 57,
147.
Raym. 245.
An attorney
delaying his
client's suit,
or demanding
more than his
due.
2 Geo. 2. c. 22.
§ 23.

their assigns, of all other charges concerning the same which they have for them; subscribed with his own hand and name, before such time as they or any of them shall charge their clients with any the same fees or charges: (4) and that if the attorney or solicitor do or shall willingly delay his clients suits to work his own gain, or demand by his bill any other sum of money, or allowance upon his account of any money which he hath not laid out or disbursed, that in every such case the party grieved shall have his action against such attorney or solicitor, and recover therein costs and treble damages; and the said attorney and solicitor shall be discharged from thenceforth from being an attorney or solicitor any more.

Who only
shall be attor-
nies or solic-
tors.
2 Geo. 2. c. 23.

II. And to avoid the infinite numbers of solicitors and attornies be it enacted by the authority of this present parliament; That none shall from henceforth be admitted attornies in any the King's courts of record aforesaid, but such as have been brought up in the same courts, or otherwise well practised in soliciting of causes, and have been found by their dealings to be skilful and of honest disposition: (2) and that none to be suffered to solicit any cause or causes in any of the courts aforesaid, but only such as are known to be men of sufficient and honest disposition: (3) and that no attorney shall admit any other to follow any suit in his name; upon pain that both the attorney and he that followeth any such suit in his name, shall each of them forfeit for such offence twenty pound; the one moiety thereof to our sovereign lord the King, his heirs and successors, and the other moiety to the party grieved, to be recovered in any of the said courts of record aforesaid, by original writ of debt, bill, plaint or information, wherein no manner of effoin, wager of law or protection shall be allowed: and that the attorney in such case shall be excluded from being an attorney for ever thereafter.

No following
of a suit in
another's
name.
2 Geo. 2. c. 23.
§ 10.

C A P. VIII.

An act to avoid unnecessary delays of executions.

In what cases
execution shall
not be stayed
upon the writ
of a writ of
error.

2 Bulstr. 53.
234.
Moor 853.
pl. 1165.
Cro. Jac. 402.
1 Roll. 329,
392.
2 Roll. 140.
Further provi-
sions relating
hereto.
13 Car. stat. 2.
c. 2.

FORASMUCH as his Highness subjects are now more commonly withholden from their just debts, and often in danger to lose the same, by means of writs of error, which are more commonly sued than heretofore they have been: (2) be it therefore enacted by the authority of this present parliament, That from and after the end of this present session of parliament no execution shall be stayed or delayed upon or by any writ of error, or *superfedeas* thereupon to be sued, for the reversing of any judgment given, or to be given, in any action or bill of debt upon any single bond for debt; (3) or upon any obligation, with condition for the payment of money only; (4) or upon any action or bill of debt for rent, or upon any contract; (5) sued in any of his Highness courts of record at *Westminster*, or in the counties palatine of *Chester*, *Lancaster* or *Durham*, or in his Highness courts of great sessions in any of the twelve shires of *Wales*; (6) unless such person or persons in whose name or names such writ of error shall

be

be brought, with two sufficient sureties, such as the court ^{4 Mod. 7, 8, 245, 246. Cro. Car. 59. Mod. cases in law 79, 237.} (wherein such judgment is or shall be given) shall allow of, shall first before such stay made, or *superfedeas* to be awarded, be bound unto the party for whom any such judgment is or shall be given, by recognizance to be acknowledged in the same court, in double the sum adjudged to be recovered by the said former judgment, to prosecute the said writ of error with effect, and also to satisfy and pay (if the said judgment be affirmed) all and singular the debts, damages and costs, adjudged or to be adjudged upon the former judgment; and all costs and damages to be also awarded for the same delaying of execution. (7) This act to have continuance to the end of the first session of the next parliament. *Made perpetual by 3 Car. 1. c. 4. f. 4. 16 & 17. Car. 2. c. 8.*

Continuance of this statute.

CAP. IX.

An act for the relief of such as lawfully use the trade and handicraft of skimmers.

WHEREAS the said artizan skimmers before the one and twentieth year of the late Queen were at liberty, and usually did transport into the east-land countries, coney-skins, and lamb-skins called markings, of the growth of this kingdom, being in great request in those countries, without contradiction: in which one and twentieth year of her Majesty's reign the east-land merchants procured a charter from her Majesty, in which is contained a prohibition therein, that none but they the merchants of those countries might transport any merchandizes thither: (2) since which time the said artizan skimmers have by colour of those letters patents been restrained from transportation, and thereupon did for the maintenance of them and their poor families apply themselves to their handy labours, and to provide and buy within this realm, as well of petty chapmen as others, the said skins within this kingdom; (3) and the surplusage over and above such as they wrought into manufactures, they sold to the said merchants that had gotten the said letters patents for transportation as aforesaid; (4) by reason whereof the said artizan skimmers, with their wives and families, lived in good manner, and maintained many thousands, both tawers and other workmen, and very many of them were subsidy-men, and men that paid many duties in good sort; (5) until of late time that divers merchants and others, for their own private gain, do by themselves, their factors and servants, in disorderly and unmerchant-like manner, buy, forestall, ingross and provide the said commodities, and so draw the whole trade into their own hands, and work the same in their own houses, and not contented therewith, do likewise sell and retail the said skins here again unto other merchant strangers, whereby they do deprive the said artizan skimmers both from buying, selling and transportation, and thereupon the whole trade of artizan skimmers is utterly impoverished generally throughout England:

Q. Elizabeth's charter to the east-land merchants, that none but they should transport merchandise thither.

By what means the artizan skimmers lived.

II. Be it therefore enacted by our sovereign lord the King's majesty, by the lords spiritual and temporal, and the commons, in this present parliament assembled, and by the authority of

Merchants shall not dress black coney-

skins, nor
transport
them un-
dressed.

the same, That no person or persons after the end of three months next ensuing after the end of this present session of parliament, using the trade of merchandize or any other, shall dress or cause to be dressed, in his or their house or houses, or by any workman appointed by them for that purpose (those workmen not being artizan skimmers, and using the trade of the artizan skimmers) any of the black coney-skins of this kingdom; (2) nor shall transport or carry beyond the seas, nor cause to be transported or carried beyond the seas, nor shall pack, ship or lade, to the intent to transport or carry beyond the seas, any black coney-skins of the breed of this realm, unless the same skins shall first be tawed and duly and perfectly wrought, dressed and packed within this realm, by those that are artizan skimmers or tawers unto the said artizan skimmers, according to the science, art and faculty of the artizan skimmers; (3) upon pain of forfeiture of such skins so packed, shipped, laden and transported, contrary to this act, or the just and full value thereof.

How many
coney-skins
at the least
a merchant
must buy and
sell at one
time.

III. And be it further enacted by the authority aforesaid, That no person or persons using or exercising the trade of a merchant, shall after the end of the said three months next ensuing after the end of this present session of parliament, buy, bargain or contract for, or cause to be bought, bargained or contracted for, any coney-skins or lamb-skins, commonly called morkins, of the breed of this realm, or being within this realm, under the number of one thousand black coney-skins, or three thousand grey coney-skins, or two thousand lamb-skins called morkins, at a time, and those not to be bought or contracted for in or by parcels, but to be contracted for, bargained and delivered at one time intirely together, and not by parcels, (except it be of the artizan skimmers) (2) nor shall utter or sell the same again, nor any part thereof, to any person or persons withing this realm in small parcels: that is to say, under the number of one thousand black coney-skins, and three thousand of grey coney-skins, and two thousand of morkins at a time, unless it be to the artizan skimmer; (3) upon pain of forfeiture of the said skins or the full value of the same.

Whom only a
skimmer may
take to be his
apprentice or
journeyman.

IV. And be it further enacted by the authority aforesaid, That after the end of the said three months next ensuing after the end of this present session of parliament, no person or persons shall take, retain or keep any servant, journeyman or apprentice, to serve or work with him therein, except the said person so using or setting up the said trade, mystery or occupation, have served seven years at the least as an apprentice therein, and do use the trade and handicraft of a skimmer; (2) upon pain of forfeiture of the double value of all such skins or furs as shall be dressed or wrought by such person or persons, his or their servants, journeymen or apprentices, contrary to the intent of this act.

Who shall re-
cover the for-
feiture, and
by what
means.

V. And be it enacted by the authority aforesaid, That all forfeitures and penalties, which by force of this act shall arise or grow, shall be divided and distributed in manner and form following,

following, that is to say, the one moiety of the said penalties and forfeitures afore-mentioned shall be to our sovereign lord the King's majesty, his heirs and successors, and the other moiety thereof to such person or persons as shall seize the said skins or furs so forfeited, or shall sue for the same penalties and forfeitures, by action of debt, bill, plaint or information, in any court of record: in which suits no essoin, protection or wager of law shall be allowed.

VI. This act to endure until the end of the first session of the next parliament. *3 Car. 1. c. 4. Continued until the end of the first session of the next parliament, and farther continued by 16 Car. 1. c. 4.* The continu-
ance of this
statute.

CAP. X.

An act for the rating and levying of the charges for conveying malefactors and offenders to the gaol.

WHEREAS his Majesty's honest and loving subjects are much charged and burthened in conveying felons, and other malefactors and offenders against his Majesty's laws and statutes, unto the gaol, punishable by imprisonment there, the said felons and other malefactors and offenders, having goods and chattels of their own whereby to defray the same charge themselves, to the great encouragement of such malefactors and offenders in their said wicked and bad courses, and to the discouragement of his Majesty's said honest and loving subjects in prosecuting the said malefactors and offenders to be punished according to their demerits: (2) be it enacted by the King's most excellent majesty, the lords spiritual and temporal, and the commons in this present parliament assembled, and by authority of the same, That all and every person and persons whatsoever, that from and after the end of this present session of parliament, shall be committed to the common or usual gaol within any county or liberty within this realm, by any justice or justices of the peace, for any offence or misdemeanor to any such gaol, that the said person or persons so to be committed as aforesaid, having means or ability thereunto, shall bear their own reasonable charges for so conveying or sending them to the said gaol, and the charges also of such as shall be appointed to guard them to such gaol, and shall so guard them thither: (3) and if any such person or persons so to be committed as aforesaid, shall refuse at the time of their commitment and sending to the said gaol, to defray the said charges, or shall not then pay or bear the same, That then such justice or justices of the peace shall and may by writing under his or their hand and seal, or hands and seals, give warrant to the constable or constables of the hundred, or constable or tything-man of the tything or township where such person or persons shall be dwelling and inhabit, or from whence he or they shall be committed as aforesaid, or where he or they shall have any goods within the county or liberty, to sell such and so much of the goods and chattels of the said persons so to be committed as by the discretion of the said justice or justices of the peace shall satisfy and pay the charges of such his or their conveying and sending

At whole charge an offender shall be conveyed to gaol.

How the charges shall be levied if the prisoner refuse to pay them.

sending to the said gaol, the appraisement to be made by four of the honest inhabitants of the parish or tything where such goods or chattels shall remain and be, and the overplus of the money which shall be made thereof to be delivered to the party to whom the said goods shall belong.

If the offender be not able to bear his charges the parishioners shall do it.

II. And be it further enacted by the authority aforesaid, That if the said person or persons so to be committed as aforesaid, shall not have or be known to have any goods or chattels which may be sold for the purpose aforesaid within the county of liberty, That then an indifferent tax or assessment shall be made by the constables and church-wardens, and two or three other the honest inhabitants of the parish, township or tything where the said offender or offenders shall be taken or apprehended, the said taxation being allowed under the hand of one or more justice or justices of the peace, if there be such constables or church-wardens there inhabiting, and in default of them, by four of the principal inhabitants of the said parish, township or tithing, where such offenders shall be taken or apprehended: (2) and if any so taxed or assessed shall refuse to pay their said taxation, then the justice or justices of peace by whom the said offenders shall be committed to prison as aforesaid, or any other justice of peace next adjoining, shall and may give warrant as aforesaid, to the constable, tithing-man or other officer, there to distrain the goods of any so assessed, which shall refuse to pay the same, and to sell the same; (3) and that such person or persons so authorized, shall have full power and authority so to distrain, and by appraisement of four substantial inhabitants of the said place, to sell a sufficient quantity of the goods and chattels of the said persons so refusing; for the levying of the said taxation; and if any overplus of money come by the sale thereof, the same to be delivered to the person or persons, owner or owners thereof.

The remedy if any person taxed refuse to pay.

The defendant's plea in an action brought for any thing done by force of this act.

III. And be it enacted by the authority of this present parliament, That if any action of trespass or other suit shall happen to be attempted or brought against the person or persons for taking of any distress, making of any sale, or any other act by authority of this present act, the defendant or defendants in any such action or suit, shall and may either plead not guilty, or otherwise make avowry, cognizance or justification for the taking of the said distresses, making of sale or other act by virtue of this act, (2) alledging in such avowry, cognizance or justification, that the said distress, sale, trespass or other thing whereof the plaintiff or plaintiffs complained, was done by authority of this act, and according to the tenor, purport and effect of this act; without any expressing or rehearsal of any other matter of circumstance contained in this present act: (3) to which avowry, cognizance or justification the plaintiff shall be admitted to reply, That the defendant did take the said distress, made the said sale, or did any other act or trespass supposed in his declaration, of his own wrong, without any such cause alledged by the said defendant; whereupon the issue in every such action shall be

joined

joined to be tried by verdict of twelve men, and not otherwise, accustomed in other personal actions; (4) and upon the trial of that issue, the whole matter to be given on both parties in evidence, according to the very truth of the same; (5) and after such issue tried for the defendant, or nonsuit of the plaintiff, after appearance, the said defendant to recover treble damages by reason of his wrongful vexation in that behalf, with costs also on that part sustained, and that to be assessed by the same jury, or writ to enquire of the damages, as the same shall require: (6) this act to continue until the end of the first session of the next parliament. 3 Car. 1. c. 4. Continued until the end of the first session of the next parliament, and farther continued by 16 Car. 1. c. 4.

The defendant shall recover treble damages and costs of suits.

The continuance of this act.

CAP. XI.

An act for transportation of beer over the seas.

WHEREAS by a statute made in the first year of the reign of our now most gracious sovereign lord King James, it is lawful to transport over the seas barley or malt, when the common price thereof shall not exceed the prices in the said statute limited; (2) by which said act it is lawful for every person and persons, being subjects of the King's majesty, his heirs and successors, to transport of his own, and to buy and transport unto any port beyond the seas in amity with his Majesty, to sell as merchandize, in ships, crayers or other vessels, whereof any English-born subject or subjects then shall be the owner or owners, any barley or malt, when the price of every such quarter of barley or malt exceeds not at the times, havens and places, where and when the same shall be shipped or laden, the sum of fourteen shillings current English money, paying to the King's majesty, his heirs and successors, for the custom and poundage of every such quarter of barley and malt so transported, the sum of sixteen-pence, in full satisfaction of all manner of custom and poundage for the same; (3) now for that by the transporting of beer, the custom and poundage that will grow due to the King's majesty for the same beer will be much greater, than when the barley or malt whereof the said beer is made is transported, and also that the navy and mariners of this realm will be the more encreased, for that one ship or boat load of barley or malt will, if the same be brewed out into beer, make four several ships or boats load of the same burthen of beer to be transported: (4) the tillage likewise of this realm will be cherished and increased, by reason of the more speedy and often vent of the beer than of barley or malt: (5) and also by the brewing of such malt into beer within this realm to be transported, divers port-towns will be greatly comforted and relieved, many of his Majesty's subjects thereby employed and set on work, and the trades of coopers and brewers will be thereby better enabled to live and maintain themselves, their wives, children and families:

When beer may be transported by any person, and to what place. 1 Jac. 1. c. 25.

The several benefits arising by the transporting of beer more than of malt.

II. Be it therefore enacted by the King's most excellent majesty, the lords spiritual and temporal, and by the commons, in this present parliament assembled, and by the authority of

At what times beer may be transported by any person.

What impost
and custom
shall be paid
for beer trans-
ported.

of the same, That at all times from and after the feast of pentecost which shall be in the year of our Lord God one thousand six hundred and seven, it shall and may be lawful for all and every person and persons to transport of his own, or to buy and transport, or cause to be bought and transported, any beer with the cask, unto any place or places beyond the seas in amity and league with his Majesty, his heirs or successors, to sell as merchandize or otherwise, in ships, crayers, or other vessels, when the price of every quarter of malt at the times, havens and places, when and where the same shall be shipped and laden, exceed not the sum of sixteen shillings current *English* money; any ordinance, law or statute to the contrary thereof in any wise notwithstanding: (2) and that the King's majesty his heirs and successors, shall have and receive by the customers, comptrollers and officers of his ports where such beer shall be so shipped or laden to be transported, the sum of eight shillings six pence for impost, and eighteen pence for custom, to be paid by every subject of the King's majesty, his heirs and successors, for every ton of beer so to be transported: (3) and likewise the sum of ten shillings for impost, and two and twenty pence half-penny for custom, to be paid by every stranger; (4) which shall be in full satisfaction of all manner of custom, poundage, impost, or other duties whatsoever for the same beer; any constitution, order, law, statute or custom heretofore made, used or taken for transporting of any such beer, to the contrary in any wise notwithstanding.

55 El. c. 11.

III. Provided nevertheless, and be it further enacted and declared, That this act nor any thing therein contained, shall extend to repeal or make void any clause, article or provision contained in any former law now in force, touching the bringing in of clapboard, cask or shaffoldboard, but that every such branch, article, clause or provision, shall extend as well unto all and every transportation or transportations made lawful and warranted by virtue of this act, as otherwise; any thing contained in this act to the contrary notwithstanding. (2) This act to continue but to the end of the first session of the next parliament. 3 Car. 1. c. 4. Continued until the end of the first session of the next parliament, and farther continued by 16 Car. 1. c. 4. altered by 1 W. & M. st. 1. c. 22.

The continu-
ance of this
act.

C A P. XII.

An act for the better preservation of sea-fish.

The forfeiture
for setting up
of a new wear,
or for destroy-
ing the spawn
or fry of fish.
Causes of the
destruction of
the brood of
fish.

FORASMUCH as it is certainly known by daily experience, that the brood of sea-fish is spawned and lieth in still waters, where it may have rest to receive nourishment, and grow to perfection, and that it is there destroyed by wears, draw-nets, and nets with canvas, or like engines in the middle or bosom of them, in harbours, havens and creeks within this realm, to the great damage and hurt of fisher-men, and hindrance of the commonwealth, for that every wear near the main sea taketh in twelve hours, sometimes the quantity of five bushels, sometimes ten, sometimes twenty or thirty bushels of the brood of sea-fish;

fish; and also those which use draw-nets, nets with canvas, or engines in the midst of them, do every day they fish, destroy the brood of all the sorts of fish aforesaid in great multitudes:

II. For reformation whereof, be it enacted by the authority of this present parliament, That every person and persons that from and after the five and twentieth day of *July* next ensuing this session of parliament, shall erect or set up any new wear or wears along the sea-shore, or in any haven, harbour or creek, or within five miles of the mouth of any haven or creek, or shall willingly take, destroy or spoil any spawn, fry or brood of any sea-fish, in any wear or other engine or device whatsoever, shall forfeit for every time so erecting, setting up, taking, destroying or spoiling contrary to this act, the sum of ten pounds of good and lawful money of *England*, the one half to the King's majesty, his heirs or successors, and the other half to him that will sue for the same: (2) and that every person which after the first day of *October* next ensuing this session of parliament, in any haven, harbour, creek, or within five miles of the mouth of any haven, harbour or creek of the sea, shall fish with any draw-net or drag-net under three inches meash, viz: one inch and an half from knot to knot, except for the taking of smoulds in *Norfolk* only, or with any net with canvas, or other engine or device, whereby the spawn, fry or brood of sea-fish may be destroyed, shall forfeit such net, and also forfeit for every time so doing, ten shillings of lawful money of *England*, the one half to the use of the poor people of the city, town corporate, borough, market-town, parish or liberty, where the offence or offences shall be committed, and the other half to the person that shall sue for the same; (3) the said forfeitures to be levied to the uses aforesaid, by the mayor, bailiff, or other head officer of every city, borough or town corporate: and by warrant of one or more justices of peace, it shall be lawful for the constables and churchwardens of every market-town, parish or liberty within which any such offence or offences shall be done, by way of distress and sale of the offender's goods, rendering to them the surplusage, according to the order of former statutes in such cases of forfeitures ordained.

The forfeiture for fishing with certain nets and engines.

III. Provided always, That this act, or any thing therein contained, shall not extend to punish any person or persons for using any net or nets of lesser meash than is by this statute appointed, only for taking of herrings, pilchards, sprats or lavid-nian; any thing in this act to the contrary in any wise notwithstanding.

IV. Provided further, That this act shall not extend to the *Anglesey* isle and county of *Anglesey*.

What sort of fish may be taken with the nets prohibited.

C A P. XII.

An act against unlawful hunting, stealing of deer and conies.

Certain offences for which the stat. of 5 El. c. 21. hath not provided punishment.

WHEREAS since the making of the statute of quinto Regis Elizabethæ, cap. 21. there have been divers grounds inclosed, and used and kept for the preservation and maintenance of deer and conies; (2) and whereas there is not by the said statute of quinto Elizab. neither by any other act now in force, any sufficient remedy provided against such malefactors and evil-disposed persons, as shall chase, hunt or kill any the deer or conies within such grounds, situate the said statute of quinto Elizabethæ inclosed and kept, and used for the maintenance and preservation of the said game as aforesaid, or any former grounds which have been situate the making of the said statute in any part altered: (3) by reason whereof many riots, manslaughter, mischiefs, and other inconveniencies have been daily committed and done, and like to be committed and done, if circumspect remedy be not hereunto provided:

The penalty for breaking a park or warren, or for hunting of deer or conies. 13 Car. 2. stat. 1. c. 10. Farther provided for by 7 Jac. 1. c. 13. f. 4.

II. Be it therefore enacted by the King's most excellent majesty, the lords spiritual and temporal, and the commons, of this present parliament assembled, and by the authority of the same, That if any person or persons, after the feast of St. James the apostle next ensuing, shall in the night-time, or by day, wrongfully or unlawfully break or enter into any park impaled, or any other several grounds, inclosed with wall, pale or hedge, and used or kept for the keeping, breeding and cherishing of any deer or conies, and wrongfully or unlawfully shall hunt, drive or chase out, or take, kill or slay any deer or conies within any such impaled park, or closed ground with pale, wall or other inclosure as aforesaid, against the will, mind or pleasure of the owners, occupiers or possessors of the same, not having lawful title or authority so to do, and thereof shall be lawfully convicted at the suit of our sovereign lord the King, his heirs or successors, or the party grieved, shall suffer imprisonment of his or their bodies by the space of three months; (2) and also shall yield and pay to the party grieved his treble damages and costs, to be assessed and rated by the justices before whom he or they shall be convicted, after the said three months expired; (3) and shall find sufficient sureties for his and their good abearing against the King, his heirs and successors, and all his liege people, for the space of seven years after, or else shall remain and continue still in prison without bail or mainprize, until such time as he or they so offending shall find sufficient sureties during the said time and space of seven years.

What justices may hear and determine the offences aforesaid,

III. And be it likewise enacted by the authority aforesaid, That the justices of oyer and terminer, justices of assize in their circuits, and justices of peace and gaol-delivery in their sessions, shall by virtue hereof have power and authority to enquire, hear and determine all and singular the said offences, by examination of the offenders, and to make and award process thereupon, as well upon indictments taken before them, as by bill of complaint,

plaint, information or any other action; in which said suit or action, no essoin, wager of law or protection shall be allowed.

IV. And be it also enacted by the authority aforesaid, That it shall and may be lawful to the party grieved, to sue and take his further remedy against all and every such offender and offenders, for his loss and damages, and to recover the treble value of the same in that behalf, as well before the justices of *oyer and terminer*, justices of assize in their circuits, and justices of the peace and gaol-delivery in their sessions, or elsewhere in any other the King's majesty's courts of record at *Westminster*; (2) and that upon true satisfaction of the said treble damages to the party grieved, or upon the confession or acknowledgment thereof by the said party offending, before the justices in open sessions holden for the county wherein the same offence shall be committed, it shall be at the liberty of the said party grieved, to whom the said offence is committed, to release at his pleasure the suretiship of the good behaviour, at any time within the said seven years or before; any thing in this present act before mentioned or declared to the contrary notwithstanding.

The remedy of the party grieved.

In what case the suretiship of the good behaviour may be released by the party grieved.

V. And be it also further enacted by the authority aforesaid, That if any person or persons not having any manors, lands, tenements or hereditaments, of the clear yearly value of forty pounds, or not worth in goods or chattels the sum of two hundred pounds, shall use any gun, bow or cross-bow, to kill any deer or conies, or shall keep any buckstalls or engine-hayes, gate-nets, purse-nets, ferrets or coney-dogs, except such person or persons as shall have any ground imparked with pale, or inclosed with wall or hedge as aforesaid, used for the keeping, breeding or cherishing of any deer or conies, the increasing of which said conies shall amount to the clear yearly value of forty shillings to be letten at the least, or keepers of warreners in their parks, warrens or grounds belonging to their charge; That then any person having lands, tenements or hereditaments of the clear yearly value of one hundred pounds in fee-simple, fee-tail or for life, in his own right, or in the right of his wife, may take from the person or possession of such malefactor or malefactors, and to his own use for ever keep, such guns, bows, cross-bows, buckstalls or engine-hays, gate-nets, purse-nets; ferrets and coney-dogs.

The penalty for shooting with gun or bow at deer or conies, or for keeping of engines.

VI. And be it further enacted by the authority aforesaid, That if any person or persons at any time hereafter shall fortune to be bound before any the justices before mentioned, to the King, his heirs or successors, for his or their good abearing for seven years, according to the tenor of this act, and the same party or parties so bound, shall afterward within the said seven years come before the justices of the peace of the said county where the said offence was committed, or some of them, in open quarter-sessions, and there in the said sessions confess and acknowledge his or their said offence or offences, and that he

In what case the justices may discharge the suitor of good abearing.

or they is or are sorry therefore, and satisfy the party or parties grieved, according to the tenor of this act: That then the same justices before whom the said confession shall be so made, shall and may have power and authority by virtue of this act, in the same open sessions, or in any other sessions afterwards to be holden before the said justices in the said county, within the said term of seven years, if it shall seem good to their discretions, to discharge the said recognizance and bond so taken, and also the said party and parties so bound; this act, or any thing therein contained, to the contrary thereof notwithstanding.

A park or warren made without the King's licence.

VII. Provided always, That this act, or any thing herein contained, do not extend to any park or inclosed ground, hereafter to be made and used for deer or conies, without the grant or licence of our sovereign lord the King, his heirs or successors.

Offences committed in the night only.
Repealed by 7 Jac. 1. c. 13.

VIII. Provided always, and be it further enacted, That this act, nor any thing therein contained, shall extend to any offence or offences concerning the hunting, chasing, or killing of deer or conies, which shall be done or committed in the day-time, but only to such offences as shall be hereafter done or committed in the night-time only; any thing in this act contained to the contrary thereof notwithstanding. 3 Car. 1. c. 4. Continued until the end of the first session of the next parliament, and further continued by 16 Car. 1. c. 4.

C A P. XIV.

An act for explanation of the statute of sewers.

Water-courses falling into the Thames within two miles of London, shall be subject to the commission of sewers.

23 H. 2. c. 5.

FORASMUCH as the walls, ditches, banks, gutters, sewers, gates, cawleys, bridges, streams and water-courses in and about the city of London, where no passage of boats is used, having their course and fall into the river of Thames, where it doth usually ebb and flow, and is used for free passage of boats to the sea, are already by the commission of sewers appointed to be surveyed, reformed and amended where need shall require, and are as needful and meet to be surveyed, reformed and amended from noyance of the said river of Thames, by the commissioners of sewers, as those rivers, streams and water-courses where the water doth usually ebb or flow, (2) and where more usual passage of boats hath been, and yet are not under the survey, correction and amendment of the commission of sewers, nor of the statute made for sewers in the three and twentieth year of the reign of King Henry the Eighth, or of any other statute made for sewers, as the same should have been, if the hurts, noyances and inconveniences now by daily experience felt and found in those places had been seen and considered of:

II. For reformation whereof, be it enacted by our sovereign lord the King, and by the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That the walls, ditches, banks, gutters, sewers, gates, cawleys, bridges, streams and water-courses, within the limits of two miles of and from the city of London, which

which waters have their course, and fall into the river of *Thames*, shall from henceforth be to all intents, constructions and purposes, as fully subject to the commission of sewers, and to all the statutes made for sewers, and to all penalties in the same statutes and in every of them contained, as if the same places near to the said city of *London* had been particularly named in the said statute of sewers, or that therein the water had ebbed and flowed, and therein free passage with boats and barges to the sea had been heretofore used; any thing in the said statutes, or elsewhere, to the contrary in any wise notwithstanding.

6 H. 6. c. 5.
8 H. 6. c. 3.
23 H. 8. c. 5.
25 H. 8. c. 10.
3 & 4 Ed. 6.
c. 8.
1 Mar. sess. 3.
c. 11.
13 El. c. 9.

CAP. XV.

An act for the recovering of small debts, and for the relieving of poor debtors, in London.

WHEREAS by virtue of divers acts of common council made within the city of *London*, the lord mayor and aldermen of the same city, for the relief of poor debtors dwelling within the said city, have accustomed monthly to assign two aldermen and twelve discreet commoners to be commissioners, and sit in the court of requests, commonly called the court of conscience, in the Guildhall of the same city, there to hear and determine all matters of debt not amounting to the sum of forty shillings to be brought before them: (2) and whereas at the sessions of parliament holden at Westminster the nineteenth day of March in the first year of the reign of our sovereign lord the King's majesty that now is, for the further relief of such poor debtors, and more perfect establishing of the said court, there was made and provided an act, intituled, *An act for the recovery of small debts, and relieving of poor debtors in London*: (3) and whereas since the making of the said act, divers persons intending to subvert the good and charitable intent of the same, and taking hold of some doubtful and ambiguous words therein, do wrest the same for their own lucre and gain, to the avoiding the jurisdiction of the said court, contrary to the godly meaning of the said act:

14 G. 2. c. 19.

1 Jac. 1. c. 14.

II. For the remedy whereof, and to the intent that some more full and ample provision may be made for the relief of such poor debtors, (2) be it enacted by the authority of this present parliament, That every citizen and freeman of the city of *London*, and every other person and persons inhabiting or that shall inhabit within the said city or the liberties thereof, being a tradesman, victualler or a labouring man, which now have or hereafter shall have any debt or debts owing unto him or them, not amounting to forty shillings, by any citizen, or by any other person or persons being a victualler, tradesman or labouring man, inhabiting or that shall inhabit within the said city or the liberties thereof, shall or may cause such debtor or debtors to be warned or summoned by the beadle or officer of the said court of requests for the time being, by writing to be left at the dwelling-house of such debtor or debtors, or by any other reasonable warning or notice to be given to the said debtor or debtors, to appear before the commissioners of the said court of requests holden in the *Guildhall* of the said city: (3) and

A mean, for a citizen of *London* to recover of another there a small debt.
1 Salk. 408.
Cro. Car. 572.

(3) and that the said commissioners, or any three of them or more, shall have power and authority by virtue of this act, from time to time, to set down such order or orders between such party or parties plaintiff, and his or their such debtor or debtors defendants, touching such debts not amounting to the value of forty shillings, in question before them, as they shall find to stand with equity and good conscience: (4) all such their order or orders to be registred in a book, as they have been accustomed, and as well the party plaintiff, as the debtor or defendant, to observe, perform and keep the same in all points.

The commissioners may minister an oath to the plaintiff, defendant or witness.

III. And that for the more due proceeding herein, it shall be lawful for the same commissioners, or any three or more of them, to minister an oath to the plaintiff or defendant, and also to such witnesses as shall be produced on each party, if the same commissioners, or any three of them or more, shall so think it meet.

A creditor suing in another court shall pay costs, and recover none.

IV. And be it further enacted by the authority aforesaid, That if in any action of debt, or action upon the case upon an *Assumpsit* for the recovery of any debt, to be sued or prosecuted against any the person or persons aforesaid, in any of the King's courts at *Westminster*, or elsewhere, out of the said court of requests, it shall appear to the judge or judges of the court where such action shall be sued or prosecuted, that the debt to be recovered by the plaintiff in such action doth not amount to the sum of forty shillings, and the defendant in such action shall duly prove, either by sufficient testimony, or by his own oath, to be allowed by any the judge or judges of the said court where such action shall depend, that at the time of the commencing of such action such defendant was inhabiting and resident in the city of *London*, or the liberties thereof, as above, that in such case the said judge or judges shall not allow to the said plaintiff any costs of suit, but shall award that the same plaintiff shall pay so much ordinary costs to the party defendant, as such defendant shall justly prove before the said judge or judges, it hath truly cost him in defence of the said suit.

The penalty for refusing to appear, or to obey the order made by the commissioners.

V. And be it further enacted, That if any such plaintiff or creditor, defendant or debtor, after warning given to him or them, in manner and form before in this act mentioned, by the said officer of the said court of requests, shall, without some just or reasonable cause of excuse, refuse to appear in the said court before the said commissioners, or shall not perform such order as the said commissioners, or any three or more of them, shall set down for or concerning such debts, as aforesaid, that then it shall be lawful for the officer of the said court, or any other of the serjeants at mace of the said city, by order of the said commissioners, or any three or more of them, to commit such party or parties to prison, into one of the counters of the said city, there to remain until he or they shall perform the order of the said commissioners in that behalf.

VI. Provided always, That this act, or any thing therein contained, shall not extend to any debt for any rent upon any lease of lands or tenements, or any other real contracts, nor to any other debt that shall arise by reason of any cause concerning a testament or matrimony, or any thing concerning or properly belonging to the ecclesiastical court, albeit the same shall be under forty shillings; any thing before contained to the contrary in any wise notwithstanding.

Debts for rent, or by reason of a testament or matrimony.

VII. And be it enacted by the authority aforesaid, That the said act made in the first year of the King's majesty's reign, be from the end of this session of parliament, for and concerning any order to be made in the said court of requests after the end of this session of parliament, utterly repealed.

A repeal of the statute of 1 Jac. 1. c. 14.

C A P. XVI.

An act for the repeal of one act made in the fourteenth year of Queen Elizabeth's reign, concerning the length of kersies.

WHEREAS in the parliament holden at Westminster in the fourteenth year of the reign of our late sovereign lady Queen Elizabeth, one act, intituled, An act to reform the excessive length of kersies, was made, intending thereby to have restrained them to the length of eighteen yards, or under; (2) immediately upon the making of which act, by reason of the said law, it hath since fallen out, many clothing towns, as well within the county of Southampton as in divers other counties within this realm of England, who were then in trade with merchant-strangers and others using the trade of transporting of kersies by way of merchandize beyond the seas, grew suddenly out of trade and in great decay, for that the said merchants would no longer buy of the clothiers any of their said kersies wanting their old accustomed measure of four and twenty yards or thereabouts, they the said merchants being by the like custom and usage in trade with other merchants for the said kersies of the said measure and length, to the great impoverishment and ruin of divers ancient towns, and of thousands of poor people who were wont by them to be set on work and maintained, and to the great loss of our said sovereign lady Queen Elizabeth, and of the King's majesty that now is, in their customs and subsidies; which in and by the said former venting and trading of the said kersies, did and would continually accrue and grow due for the same:

14 Eliz. c. 10. The length and weight of ordinary and sorting-kersies.

Several inconveniencies ensuing upon the stat. of 14 El. c. 10. provided for the length of kersies.

II. Be it therefore enacted by the authority of this present parliament, That the said act of the fourteenth year of the reign of our said late sovereign lady Queen Elizabeth, intituled, *An act to reform the excessive length of kersies*, be from henceforth clearly and absolutely repealed.

A repeal of the statute of 14 El. c. 10.

III. Provided always, and be it enacted by the authority of this present parliament, That kersies called ordinary kersies, shall not exceed the length of four and twenty yards to be measured by the yard and inch; (2) and that every ordinary kersie of the length of four and twenty yards aforesaid, being well scoured, thicked, milled, dressed, and fully dried, shall

The length and weight of ordinary kersies.

weigh

Sorting ker-
sies.

weigh eight and twenty pounds and one half pound at the least: (3) and that kersies called Sorting-kersies, shall not exceed the length aforesaid, and that every sorting-kersie of the length of four and twenty such yards as aforesaid, being well scoured, thicked, milled, dressed, and fully dried, shall weigh thirty-two pounds and one half pound at the least: (4) and that every kersie of a shorter length than four and twenty such yards as aforesaid, shall weigh proportionably to the aforesaid weight, that is to say, every ordinary kersie after the rate of one pound and three ounces weight for every yard that the same shall contain in length, and every sorting-kersie after the rate of one pound three ounces and an half ounce in weight, for every yard that the same shall contain in length.

The forfeiture
for exceeding
in length, or
wanting in
weight.

IV. And if it happen that any kersie or kersies hereafter to be made, shall either exceed the said length of four and twenty such yards, as aforesaid, or shall not weigh according to the respective rates and proportions aforesaid, then every person or persons that shall make, or cause the same to be made for sale, shall forfeit and lose for every yard of such kersies, exceeding the length of four and twenty such said yards, the sum of five shillings only, and no more: (2) and for every pound-weight that shall be wanting according to the proportions before respectively limited, shall forfeit two shillings for every pound, and no more; any former laws or statutes limiting or appointing any other or greater penalty or forfeiture to the contrary thereof in any wise notwithstanding: (3) the one moiety of the said sums, penalties and forfeitures to be to the King's majesty, his heirs and successors, and the other moiety to him or them that will sue for the same in any of his Majesty's courts of record at Westminster, by bill, plaint or information, wherein no essoin, protection or wager of law shall be allowed or admitted.

The custom
and subsidy
for a piece of
kersie.

V. Provided further, and be it enacted by the authority aforesaid, That every person and persons selling or trading in any such kersie or kersies, shall pay unto the King's majesty for every piece of kersie containing four and twenty yards, as much in custom and subsidy, rateably, as such person or persons should and ought to pay unto his Majesty for one piece and a third part of a piece containing eighteen yards. 5 & 6 Ed. 6. c. 6.

C A P. XVII.

An act concerning Welsh cottons.

7 Jac. 2. c. 25.

WHEREAS in a statute made at the first session of parliament holden at Westminster in the first year of his Majesty's reign, amongst other things it was provided and enacted, That no person or persons should incur any penalty for want of length, breadth or weight of Welsh cottons, under the price of fifteen-pence the yard, and two shillings the good, so as they be not mixed with hair or other deceitful stuff, nor for any other above that price, except they be mixt as aforesaid, or shall shrink above half a yard in twelve yards at length, or weigh

weigh less than fourteen ounces the yard, and hold not full three quarters of a yard broad, as by the same statute appeareth; (2) which provide in the construction of divers persons doth not preserve such as make or sell coarse Welsh cottons, from the penalty and danger of not adding or affixing a seal to contain the length, breadth or weight of the said cottons, which affixion of a seal is needless when there is no length, breadth or weight prescribed for them; (3) and moreover for that in all antecedent ages the said cottons being commonly used for linings, were never seized as forfeited for want of the seal of the makers put unto them, nor used to be searched or tried by water, but only by the buyer: (4) be it therefore enacted by our sovereign lord the King; and by the lords spiritual and temporal, and commons; in this present parliament assembled, and by the authority of the same, That from henceforth no person or persons shall incur any penalty for want of any content seal to contain the breadth, length or weight of any *Welsh* cottons: (5) and that no *Welsh* cottons shall at any time or times hereafter be searched or tried in the water by any person or persons, other than by the buyer thereof; (6) upon pain to forfeit for every such offence by the party who shall make any such search or trial contrary to the intent of this statute, five pounds of lawful money of *England*; the one moiety thereof to the King's majesty, his heirs and successors; the other moiety to the party grieved; to be recovered by action of debt, bill, plaint or information, wherein no essoin, protection or wager of law shall be allowed.

No penalty
for want of a
seal of *Welsh*
cottons.

Welsh cottons
shall not be
searched or
tried.

C A P. XVIII.

An act for the bringing in of a fresh stream of running water to the north part of the city of London.

FOR that it is found very convenient and necessary to have a fresh stream of running water to be brought to the north parts of the city of London, from the springs of Chadwel and Amwel, and other springs in the county of Hertford not far distant from the same; which upon view is found very feasible, and like to be profitable to many: It is therefore enacted by the King's most excellent majesty, and by the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same; That it shall be lawful to the lord mayor, commonalty and citizens of the city of London, and their successors, at any time or times hereafter, to begin and continue the laying out of such convenient limits of ground for the making of the trench for the said river at the breadth of ten foot and not above, as to them and their deputies and workmen, with the allowance of the commissioners hereafter mentioned, or any seven of them, shall be seen convenient and meet for the same; (2) and in that place that they shall find to be most apt and meet for that purpose, to have and take for the purpose aforesaid, the use and liberty of such and so much ground, as shall contain ten foot in breadth and not above, during and by all the length as the said new channel, cut or river, shall pass, for the conveying of

A new trench
may be made
to convey the
water from
Chadwell and
Amwel to
London.

4 Jac. 1. c. 12.

the

the said water from the said springs to the city of *London*, leaving the inheritance of the new cut in the owners thereof:

The mayor,
&c. of *London*
may make and
maintain the
new cut.

II. And that the said mayor, commonalty and citizens of *London*, and their successors for ever, for the consideration hereafter expressed, shall have liberty to dig the same ground to be employed for the said river or new cut, not exceeding ten foot in breadth alongst all the said whole length of the said river or new cut, and from time to time, for ever to maintain and preserve the same, and to lay the earth there digged or to be digged on either side of the same river or new cut, in such places as shall be thought meet for that purpose; (2) and to have free passage to and from the said new cut or river, with men, horses, carts and carriages at all times convenient, and in places convenient, for making of the same new cut or trench, and for the preserving of the same, and of the banks thereof from time to time for ever, to the intent that no part of the said stream be at any time after the making of the new cut, without the consent of the mayor, commonalty and citizens of *London*, turned or conveyed out of the same new cut or watercourse.

Satisfaction
shall be made
to the owners
of the ground
where the new
cut is made.

III. In consideration whereof the mayor, commonalty and citizens of *London*, and their successors, shall make such satisfaction or composition to and with the lords, owners and occupiers of the same grounds through which the new cut or river shall be made, and with all such person and persons as shall sustain any damage, loss or hindrance in their mills standing upon any of the rivers or streams from which the water shall be taken through the said new cut or river, as shall be to the contentment of the lords, owners and occupiers of the said grounds and mills; (2) and in default of their agreement by mutual assent, such satisfaction or recompence as shall be limited and appointed by the commissioners to be assigned for that purpose, according to the intent of this statute, by the lord chancellor, or lord keeper of the great seal of *England* for the time being, by commission under the great seal of *England*, or by any nine of them, whereof four of them to be citizens of the city of *London*.

Sixteen com-
missioners
shall be ap-
pointed, and
what their au-
thority shall
be.

IV. And for the better effecting of the premises, and for the due rating of the value of the things to be compounded for by the true intent of this statute, (if the parties shall not agree) be it enacted by the authority of this present parliament, That at the request and charges of the mayor, commonalty and citizens of *London* commission or commissions under the great seal of *England*, shall be granted to such persons as the lord chancellor or lord keeper of the great seal of *England* for the time being, shall nominate and appoint, whereof four shall be of the county of *Middlesex*, four of the county of *Essex*, and four of the county of *Hertford*, and four of the city of *London*, and every of them having lands and tenements of the clear yearly value of forty pounds at the least: (2) which sixteen or any nine of them, whereof two to be of the city of *London*, shall have power to order and set down what rate or rates, sum or sums of money shall be paid by the mayor, commonalty and citizens of *London*.

doe, to the lords, owners and occupiers of the grounds and soil, and mills, for which composition is to be made by the intent of this act, if the parties cannot of themselves agree, and in what manner the same shall be paid; (3) and that for the recovery of such money as shall be so ordered and set down by the said commissioners, or any nine of them, whereof two to be of the city of London, the party or parties to whom the same money shall be due to be paid by the true intent of the said order, shall or may recover the same against the said mayor and commonalty of London, by action of debt in any of his Majesty's courts at Westminster, wherein no essoin, protection or wager of law shall be allowed.

V. Provided always, and be it enacted, That if in the new cut there happen any breaches, inundations or hurts, the mayor, commonalty and citizens of London, shall from time to time stop the breaches at their own charges, and sufficiently maintain them from time to time, and make sufficient recompence to the party grieved for the damage sustained by the same breaches rising by their default, to be recovered by action of the case grounded upon this statute.

The breaches or inundations in the new cut shall be stopped by the mayor, &c. of London.

VI. And be it further enacted by the authority aforesaid, That the mayor, commonalty, and citizens of London, and their successors for ever, shall make and maintain at their costs and charges from time to time, convenient bridges and ways for the passage of the King's subjects, and their cattle and carriages, over or through the said new cut or river, in places meet and convenient.

Bridges and passages over and through the new cut.

VII. And further be it enacted, That until or before a full agreement with the lords, owners and occupiers of the premises be had, or that such order and means be devised and agreed upon by the commissioners, by the lord chancellor or lord keeper of the great seal of England to be nominated and appointed, or the more part of them, as shall seem meet for the due effecting of the premises, and the said commission returned into the high court of chancery; it shall not be lawful to the said lord mayor, commonalty and citizens, to put the said digging, trenching or new cutting of the said new river from the said springs in execution, nor to cut or take in any ground for passage of water from the said springs or any of them, by force of this statute; any thing in this act to the contrary notwithstanding.

Nothing shall be done until the owners of the ground be agreed with.

VIII. And be it further enacted by the authority aforesaid, That after such time as there shall be a new cut, stream or river brought from the springs aforesaid, or any of them, to the city of London; that for the better maintenance and preservation of the said river or new cut, and of all the water therein running, to be brought to the city of London, the same shall be subject to the commission of sewers, and to the laws and statutes made for sewers, as fully to all intents and purposes, as the same river or new cut had been expressly mentioned in the said statutes of sewers to be under the survey of the said commissioners.

The new cut brought to London shall be subject to commission of sewers.

The cleansing and conservation of the new river shall be at the costs of the mayor, &c. IX. Provided nevertheless, and be it enacted, That all such things as shall be done at any time hereafter, for the scowring, cleansing, amending and conservation of the said new river or cut, shall be at the only cost and charges of the mayor, citizens and commonalty of the city of London: (2) and that all fines and amerciaments which shall be imposed by virtue of the said commission of sewers, for any wilful annoyances and offences which shall be at any time hereafter committed to the hurt or prejudice of the said new river or cut, or any thing thereunto appertaining, shall be to the only use, benefit and behoof of the said mayor, commonalty and citizens of London, and of their successors for ever. *Altered by 4 Jac. I. c. 12.*

CAP. XIX.

Who shall be charged with the repairing and maintaining of the highway leading from Kingstone to Nonfuch. EXP. Stat 21 Jac. I. c. 28.

CAP. XX.

How passage may be made by water from London to Oxford. REP. 21 Jac. I. c. 32.

CAP. XXI.

An act to restrain the abuses of players.

The penalty of players on the stage, &c. profanely abusing the name of God. FOR the preventing and avoiding of the great abuse of the holy name of God in stage-plays, enterludes, may-games, shews, and such like; (2) be it enacted by our sovereign lord the King's majesty, and by the lords spiritual and temporal, and the commons, in this present parliament assembled, and by the authority of the same, That if at any time or times after the end of this present session of parliament, any person or persons do or shall in any stage-play, enterlude, shew, may-game or pageant, jestingly or profanely speak or use the holy name of God, or of Christ Jesus, or of the Holy Ghost, or of the Trinity, which are not to be spoken but with fear and reverence, shall forfeit for every such offence by him or them committed ten pounds: (3) the one moiety thereof to the King's majesty, his heirs and successors, the other moiety thereof to him or them that will sue for the same in any court of record at *Westminster*, wherein no essoin, protection or wager of law shall be allowed.

CAP. XXII.

An act for the paving of Drury-lane, and the town of St. Giles's in the fields, in the county of Middlesex. EXP.

CAP. XXIII.

22 H. 8. c. 5. An act for the new making up and keeping in reparation of Chepstow-bridge. The effect of the stat. of 18 El. c. 18. touching repair of Chepstow-bridge. A repeal of the stat. of 18 El. c. 18. made touching Chepstow-bridge. What counties shall stand charged for the making and repairing of Chepstow-bridge. The justices shall tax the inhabitants of the counties of Gloucester and Monmouth. Collectors shall be appointed in every hundred of both the counties. Surveyors shall be appointed, and their authority. The collectors and surveyors shall make account to the justices. The justices may permit asking of benevolence towards the building of the bridge.

CAP.

CAP. XXIV.

The bridge over the river Severn, near adjoining to the town of Upton upon Severn in the county of Worcester, shall be wholly made, builded and finished within the space of three years after the end of this session of parliament, by the inhabitants of the county of Worcester, &c. EXP.

CAP. XXV.

A confirmation of four subsidies of four shillings in the pound, granted to the King by the clergy. EXP.

CAP. XXVI.

Three intire subsidies and six fifteens granted to the King by the temporality. EXP.

CAP. XXVII.

A confirmation of the King's general and free pardon, except, &c. EXP.

Anno Regni JACOBI Regis Angliæ, Scotiæ, Franciæ & Hiberniæ, viz. Angliæ, Franciæ & Hiberniæ quarto, & Scotiæ quadragesimo.

AT the parliament begun and holden at Westminster, by prorogation the eighteenth day of November in the fourth year of the reign of our most gracious sovereign lord James, by the Grace of God, of England, France and Ireland, King, defender of the faith, &c. and of Scotland the fortieth: and there continued until the fourth day of July, one thousand six hundred and seven; and then prorogued until the sixteenth day of November next following; to the high pleasure of Almighty God, and to the weal publick of this realm, were enacted as followeth.

CAP. I.

An act for the utter abolition of all memory of hostility, and the dependance thereof, between England and Scotland, and for the repressing of occasions of disorders in time to come.

FOR the honour, weal and good of these two mighty, famous and ancient kingdoms of England and Scotland, and for the furtherance and advancement of the happy union already begun in his Majesty's royal person; (2) be it enacted by the King's most excellent majesty, with the assent of the lords spiritual and temporal, and the commons, in this present parliament assembled, and by the authority of the same, That one act made in the fourth year of the reign of King Henry the Fifth, whereby it is enacted, That letters of mart or reprisal be granted against the people of Scotland, in case where the

A repeal of hostile laws, and of hostility between England and Scotland.
4 H. 5. c. 7.
Letters of mart.

subjects of *England* have been spoiled, and have complained, and not received redress, shall for so much thereof as so concerneth the people of *Scotland*, be utterly repealed and made void.

II. And also that one proviso contained in an act made in the three and thirtieth year of the reign of King *Henry* the Eighth, by which proviso the King's majesty's subjects inhabiting within twelve miles of the borders of *Scotland*, are allowed and permitted to use cross-bows, hand-guns, hackbuts or demi-hakes, or to use and keep in his or their houses or elsewhere any such cross-bows, hand-guns, hackbuts and demi-hakes, for so much of the said proviso as so concerneth such as shall inhabit within twelve miles of the said late borders, shall be utterly repealed and made void.

Cross-bows,
hand-guns.
33 H. c. 6.

Armour,
Vitual.
7 R. 2. c. 26.

III. And be it further enacted by the authority aforesaid, That these other statutes hereafter following, That is to say, one act made in the seventh year of the reign of King *Richard* the Second, whereby it is enacted, That no armour, victual or other refreshment be carried into *Scotland*, upon pain of seizure or forfeiture:

March law.
31 H. 6. c. 3.

IV. And one other act made in the one and thirtieth year of the reign of King *Henry* the Sixth, whereby it is enacted, That *March-law* be not used out of the circuit of the counties of *Northumberland*, *Cumberland* and *Westmorland*, or the town of *Newcastle*:

Scottishmen.
7 H. 7. c. 7.

V. And one other statute made in the seventh year of the reign of King *Henry* the Seventh, whereby it is enacted, That *Scottishmen* should avoid out of the realm of *England* within a time prefixed:

23 H. 8. c. 16.
Horses.
2 Eliz. c. 7.

VI. And one other statute made in the twenty-third year of the reign of King *Henry* the Eighth; and a like statute made in the first year of the reign of the late Queen *Elizabeth*; whereby the conveying of horses out of *England* into *Scotland* is made felony:

Lands let to
Scottishmen.
2 & 3 Ph. &
M. c. 1.
23 Eliz. c. 4.
A repeal of the
former nine
Statutes.

VII. And one other statute made in the second and third years of the reign of King *Philip* and Queen *Mary*:

VIII. And the like statute made in the twenty-third year of the reign of the late Queen *Elizabeth*, whereby it is enacted, That no lands or tenements be let to *Scottishmen* upon the borders: (2) Shall be utterly abrogated, repealed and made void: (3) And if there had appeared any other statute of this realm of *England*, wherein any thing is ordained, enacted or established, expressly and by name against *Scottishmen* as enemies, or *Scotland* as an enemy-country to the Kings of this realm or the state of the same, we should for so much of them as had so concerned *Scottishmen* or *Scotland*, have utterly abrogated and annulled the same; seeing all enmity and hostility of former times between the two kingdoms and people is now happily taken away, and under the government of his Majesty, as under one parent and head, turned into fraternity or brotherly friendship.

IX. Provided

IX. Provided nevertheless, and be it enacted by the authority of this present parliament, That none of the articles, branches or clauses abovesaid, in this act before contained and expressed, shall take effect or be in force, or in any wise be deemed and expounded to take effect or to be in force, to any intent, construction or purpose, until these acts of parliament of the realm of *Scotland* hereafter following; that is to say, one act made in the time of *James* the First, King of *Scotland*, by which it was enacted, That all persons remaining in *England* without the King's licence, did commit treason :

This repeal shall take no effect until other statutes made in *Scotland* be repealed. Remaining in *England* without the King's licence.

X. One other act made in the time of the said King *James* the First, whereby any assurance with *Englishmen*, for taking protection from them for lands or goods, is treason :

XI. One other act in the same King's time, inhibiting all buying and selling of *English* goods forbidden, under pain of escheat :

XII. One other act made in the time of *James* the Second, King of *Scotland*, That none should pass into *England* in time of war, without licence, under pain of treason :

XIII. One other act made in the reign of the said King *James* the Second, containing, That no *Englishman* come into *Scotland* without conduct, and that no *Scottishman* sit under assurance with them :

XIV. One other act of the same King's time, That no *Scottishman* supply *Berwick* and *Roxburgh*, under pain of treason :

XV. One other act made in the time of the said King *James* the Second, That all men be ready for defence of the realm against *England* :

XVI. Two acts made in the time of *James* the Third, King of *Scotland*, for resisting King *Edward* the Fourth :

XVII. One other act made in the time of the said King *James* the Third, concerning the upholding of *Berwick*, and garrisons upon the borders :

XVIII. One act made in the reign of *Mary* late Queen of *Scotland*, by which it was enacted, That *Scottishmen* are charged to leave assurances with *Englishmen* :

XIX. One other act made in the time of the said Queen *Mary*, concerning assured *Scottishmen* assisting the *English* army :

XX. One act made in the parliament of *Scotland* in the time of the most happy reign of our most gracious sovereign lord the King that now is, containing, That the *Scottish* borderers are discharged to marry *English* borderers daughters :

XXI. And lastly, one other act made in the time of our said sovereign lord the King, injoining the warden to put in a bill the names of all *Englishmen* that occupy lands in *Scotland*, and seek redress according to the treaties; (2) shall by act of parliament of the said realm of *Scotland*, be utterly repealed, frustrate and made void; (3) and until also the said parliament of the realm of *Scotland* shall by their said act, make as full and ample declaration concerning their clear intention and desire of repeal of all other hostile laws of their part, not before mentioned, if they

The parliament of *Scotland* shall repeal all their hostile laws.

were known, as on the part of this realm of *England* hath been in this present act made and expressed.

A repeal of the stat. of 5 R. 2. stat. 1. c. 2. touching the restraint of passage over the sea.

XXII. And be it further enacted by the authority aforesaid, That one act made in the fifth year of King *Richard the Second*, concerning the restraint of passage of his Majesty's subjects out of this realm, and every ordinance, provision, article or clause therein contained, shall be from henceforth utterly repealed, &c.

None shall be troubled for any wrong done before the death of Queen *Elizabeth* by the laws of the borders. Trials of felonies committed by Englishmen in Scotland to be in the northern counties. Witnesses allowed to the party arraigned upon oath. The prosecutor and witnesses shall be bound to give evidence. The accessory shall be tried, though the principal be not convicted or attainted. What an Englishman committing a felony in Scotland shall forfeit, and what not. A like act shall be made in Scotland. The offence shall be alledged in the indictment where it is done. No Englishman shall be sent out of England to receive his trial in Scotland. The jurors may allow or reject the witnesses. Trial of a peer by his peers. — Altered by 7 Jac. 1. c. 1. revived and enforced by 13 & 14 Car. 2. c. 22. and abrog. by 5 An. c. 8.

C A P. II.

An act for the true making of woolen cloth.

Of what length, breadth and weight several sorts of cloths made in divers counties of this realm shall be. Putting of flacks or lambs-wool in cloth.

FOR the avoiding of many inconveniencies happening to his Highness subjects exercising the mystery and trade of making and working of woolen clothes of divers names and natures, and that the buyers of such clothes may have true and just commerce without fraud or deceit, It pleaseth his most excellent Majesty, with the consent of the lords spiritual and temporal, and the commons, in this present parliament assembled, that it be enacted, (2) and by the authority of the same it is enacted, That from and after fourscore days next after the end of this session of parliament, every long broad-cloth and cloths which shall be made of died wools and mingled colours, within any of the shires of *Kent*, *York*, or at the town of *Reading*, or elsewhere of like making, shall contain in length at the water, every piece being thoroughly wet, between thirty and four and thirty yards, every yard, yard and inch of the standard and no more, and in breadth six quarters and a half of a yard at the least within the lists, by the whole length of the same cloth: (3) And that every piece of the same cloth being well scoured, thicked, milled, and fully dried, shall be in weight eighty-six pounds at the least.

The length, breadth and weight of long-worcesters.

5 & 6 Ed. 6.

c. 6.

4 & 5 Ph. & M.

c. 5.

II. And that every white cloth which shall be made within the cities of *Worcester*, *Coventry* and *Hereford*, commonly called *Long-worcesters*, or elsewhere of like making, shall contain in length, being wet, between thirty and thirty-three such said yards and inches as is aforesaid, and shall be in breadth seven quarters throughout all the whole cloth, and being clean scoured, thicked, milled, and fully dried, shall weigh seventy-eight pounds at the least.

Plunkets, azures, blues and long white cloths.

III. And that all and every long coloured clothes, commonly called plunkets, azures and blues, and long white clothes, which shall be made in any of the shires of *Suffolk*, *Norfolk* and *Essex*, or elsewhere of like making, shall contain in length, being

ing wet, between twenty-nine and thirty-two such said yards and inches, as is aforesaid, and shall be in breadth six quarters and one half quarter within the lists at the least, and being well scoured, thicked, milled, and fully dried, shall weigh eighty pounds at the least: (2) And that all and every short clothes coloured, and short white cloths, commonly called sorting-cloths, which shall be made in any of the shires last before-mentioned, or elsewhere of like sort and making, shall contain, being wet, in length, between twenty-three and twenty-six such said yards and inches, as is aforesaid, and in breadth throughout the whole piece, six quarters within the lists at the least, and being well scoured, thicked, milled, and fully dried, shall weigh sixty-four pounds the cloth at the least.

The length, breadth and weight of sorting cloths. 5 & 6 Ed. 6. c. 6. 4 & 5 Ph. & M. c. 5.

IV. And that all and every short clothes coloured, and short white cloths, commonly called fine short *Suffolks*, which shall be made in the shires last before-mentioned, or elsewhere of like making, shall contain, being wet, in length, between three and twenty and six and twenty such said yards and inches, as is aforesaid, and in breadth throughout the whole piece, six quarters and an half within the lists at the least, and being well scoured, thicked, milled, and fully dried, shall weigh sixty-four pounds the cloth at the least: (2) And that every such sorting short cloth shall be differenced from the said fine cloths last before-mentioned by a blue selvedge or edging on both lists: (3) And that every white cloth which shall be made within the same mentioned shires, or elsewhere of like making, commonly called handiwarps, shall contain in length between twenty-nine and thirty-two such said yards and inches, as is aforesaid, and in breadth seven quarters, and being well scoured, thicked, milled, and fully dried, shall weigh seventy-six pounds at the least: (4) And that all broad plunkets, azures, blues, and other coloured cloth which shall be made within the shires of *Wiltshire* and *Somerfetshire*, or elsewhere of like making, shall contain, being thoroughly wet, between twenty-six and twenty-eight such yards and inches, as is aforesaid, and in breadth six quarters and an half within the lists, and being well scoured, thicked, milled, and fully dried, shall weigh sixty-eight pounds the cloth at the least: (5) And that every cloth commonly called short clothes, which shall be made of died wools, and mingled colours, within the county of *York*, or elsewhere of like making, shall contain in length, being thoroughly wet, between twenty-three and twenty-five such yards and inches, as is aforesaid, and in breadth six quarters and an half between the lists, and being clean scoured, thicked, milled, and fully dried, shall weigh sixty-six pounds the cloth at the least; (6) and every half-piece thereof, commonly called dozens, to be made and wrought after the same rate in every respect.

The length, breadth and weight of fine short Suffolks.

The length, breadth and weight of handiwarps.

Coloured cloth made in Wiltshire and Somerfetshire.

Short cloth made of dyed wools in York-shire.

A half-piece called dozens.

V. And that all broad-listed whites and reds which shall be made in any of the counties of *Wiltshire*, *Gloucestershire*, *Oxfordshire*, and the eastern limits of *Somerfetshire*, or elsewhere of like making, commonly called sorting-pack broad-listed cloths, shall

The length, breadth and weight of broad-listed whites and reds.

The length
breadth and
weight of nar-
row-listed
whites and
reds.

shall contain in length, being wet, between twenty-six and twenty-eight such said yards and inches, as is aforesaid, and shall be in breadth six quarters and an half throughout the whole cloth at the least, and being clean scoured, thicked, milled, and fully dried, shall weigh every piece of the same cloth sixty-four pounds the cloth at the least: (2) And that all narrow-listed whites and reds which shall be made in *Wiltshire*, *Gloucestershire*, *Oxfordshire*, and the eastern limits of *Somersetshire*, or elsewhere of like making, commonly called forting-pack cloths, shall contain in length, being wet, between twenty-six and twenty-eight such said yards and inches, as is aforesaid, and shall be in breadth within the lists six quarters and a half throughout the whole cloth at the least, and listed with narrow lists, as hath been accustomed for forting-pack cloths, and being clean scoured, thicked, milled and fully dried, shall weigh every piece, being white, sixty-one pounds at the least, and being red shall weigh sixty pounds the piece at the least.

The length,
breadth and
weight of fine
cloths with
plain lists.

VI. And that every fine cloth with plain lists made in the counties of *Wiltshire*, *Gloucestershire*, *Somersetshire* and *Oxford*, or elsewhere of like making, shall contain in length between twenty-nine and thirty-two such said yards and inches, as is aforesaid, and in breadth six quarters and a half between the lists throughout the whole cloth, and being clean scoured, thicked, milled, and fully dried, shall weigh seventy-two pounds at the least.

Cloths having
stopped lists.

VII. And that all and every cloths, having stop lists and not plain lists, shall contain in length between thirty and thirty-three of such said yards and inches as is aforesaid, and in breadth seven quarters within the lists, throughout the whole cloth, and in weight seventy-eight pounds at the least, as all *Worcester* cloths are limited: (2) And that every broad-cloth, commonly called *Tauntons*, *Bridgwaters* and *Dunsters*, made in the western parts of *Somersetshire*, or elsewhere of like making, shall contain, being thoroughly wet, between twelve and thirteen such said yards and inches, as is aforesaid, and in breadth seven quarters of a yard at the least, and being well scoured, thicked, milled, and fully dried, shall weigh thirty pounds the cloth at the least; (3) and every narrow cloth of like sort and making within the said county of *Somersetshire*, or elsewhere, shall contain in length, being thoroughly wet, between twenty-four and twenty-five such yards and inches, as is aforesaid, and in breadth one yard within the lists at the least, and listed with a narrow list, and well scoured, thicked, milled, and fully dried, shall weigh thirty pounds a-piece at the least, and the half-cloth thereof to be of a proportionable length and weight, and of like breadth, as aforesaid: (4) And that all such like broad cloths and narrow cloths last before-mentioned, made within the county of *York* into whites and reds, the broad cloth to hold the same lengths, breadth and weight, but the narrow cloth to be allowed by this statute to contain between seventeen and eighteen yards of like measure, breadth, and in weight proportionable, as aforesaid.

Broad and
narrow cloths
made in *York-*
shire.

VIII. And

VIII. And that all *Devonshire* kerfies called dozens, shall contain in length at the water between twelve and thirteen such said yards and inches, as is aforesaid, and being well scoured, thicked, milled, and fully dried, shall weigh thirteen pounds the cloth at the least: (2) And all cloths called check-kerfies, straights and plain greys, shall contain in length at the water between seventeen and eighteen such said yards and inches as is aforesaid, and in breadth one yard at the least by all the length, and being well scoured, thicked, milled, and fully dried, shall weigh twenty-four pounds the piece at the least: (3) And that all cloths called ordinary penistones or forest-whites, shall contain in length in the water between twelve and thirteen such said yards and inches, as is aforesaid, and in breadth five quarters and an half, and being clean scoured, thicked, milled, and fully dried, shall weigh twenty-eight pounds the piece at the least: (4) And that all penistones called sorting-penistones, shall contain in length in the water between thirteen and fourteen such yards and inches, and shall be in breadth six quarters and a half, and being clean scoured, thicked, milled, and fully dried, shall weigh thirty-five pounds the piece at the least.

Devonshire kerfies called dozens.

Check-kerfies, straights and plain grey. Ordinary penistones or forest-whites.

Sorting-penistones.

IX. And be it likewise enacted by the authority aforesaid, That all cog-ware, kendal and carpet-meals, shall from henceforth be made in such sort as shall best please the buyer, and shall not be searched or sealed, or be subject to any other penalty than such as was imposed thereon before the nine and thirtieth year of the reign of our late sovereign lady Queen *Elizabeth*, so as they shrink not above one yard for every twenty yards.

Cog-ware, kendal and carpet-meals.

39 Eliz. c. 20.

X. And be it enacted by the authority aforesaid, That all kerfies called washers, or wash-whites, made within the counties of *York*, *Lancaster*, or elsewhere of like making, shall contain in length at the water, being half-thicked, between seventeen and eighteen yards of the measure aforesaid, and being quarter-thicked, shall contain between eighteen and nineteen such yards and inches, as is aforesaid, and being clean scoured and fully dried, shall weigh seventeen pounds the piece at the least. (2) And that no cloth-worker, sheer-man or fuller, shall raise or row, or cause to be raised or rowed, any kind of cloths or kerfies in or with any oils, goose grease, swines grease, or any such like thing of any kind of greases or oils, but shall shear the same cloth, kerfie, plain and straight, without laying in or on any of the aforesaid oils, goose grease, swines grease, or any other liquid or moist thing, but only upon the edge of the shears with sennet or oil, upon pain to forfeit for every time so doing contrary to the true meaning of this statute, thirteen shillings four-pence: (3) And that no cloth-worker, sheer-man or fuller, shall raise, full, or row or shear the lifts and sides of cloths and kerfies, better than the midst, but shall work all alike; (4) upon pain of forfeiting for every cloth, kerfie, plain and straight, done contrary to the true meaning of this statute, thirteen shillings four-pence.

The length and weight of washers or wash-whites.

There shall be no rowing, or raising of cloth.

There shall be no different rowing, raising, fulling, or shearing of the lifts of cloths.

XI. And

There shall be no cutting off wool from the back-sides of cloth.

XI. And that no cloth-worker, or any other person or persons whatsoever, shall have or use for the cutting or taking away of the wool from the back-sides of any cloths and kersies, any knife or knives, rubster or rubsters, pumistone, or any other device whatsoever, but only to shear the same back-side with a pair of shears; (2) on pain of forfeiting for every piece wherein or whereupon the same shall be so done, the sum of thirteen shillings four-pence.

There shall be no blowing, spouting, or bedewing any cloth on the sides near the lifts.

XII. And be it further enacted by the authority of this present parliament. That no cloth-worker, sheer-man or fuller, or any other person or persons whatsoever, shall from and after the feast of *St. John Baptist* next ensuing the end of this present session of parliament, blow, spout or bedew any kind of broad-cloth or kersie on the sides and edges near the lifts thereof with any water, or other liquid or moist thing whatsoever, whereby the edges or sides of any cloth or kersie may make shew to be better than it is in the ridge, crest or midst thereof; (2) upon pain to forfeit for every such offence the sum of thirteen shillings four-pence of lawful money of *England*: (3) And if any person or persons shall, blow, spout, wet or bedew, or cause to be blowed, spouted, wet or bedewed with any liquid or moist thing any kind of cloth or kersie of whatsoever country, making or name, for increase of weight, thereby to deceive the buyers or searchers, such person or persons shall forfeit and lose for every such offence the sum of forty shillings of like lawful money of *England*.

Agreement for the dying, dressing, shearing and rowing of cloth,

XIII. And be it further enacted by the authority aforesaid, That all the said white cloths and coloured cloths, which by this present act are not limited and appointed to be wrought, dressed and shorn, shall have allowance and abatement for the dying, dressing, rowing and shearing thereof, for every such said short broad woolen cloths four pounds in weight, and no more, and the long cloths five pounds and no more, and so after that rate in all and every the same half-woolen cloth, kersie, and other the said woolen cloth.

Into what kind of cloths only flocks, thrums, and lambs-wool may be put.
Rep. 21 Jac. 1. c. 18.

XIV. And be it also enacted by the authority aforesaid, That it shall and may be lawful to and for any person or persons lawfully exercising the trade or art of a clothier, or making of cloths, to make flocks, thrums and lambs wool into cloth of one only kind or making, which shall contain in length, being thoroughly wet, between twelve and thirteen such yards and inches, as is aforesaid, and in breadth one yard at the least within the lifts, and being clean scoured, thicked, milled, and fully dried, shall weigh fifteen pounds the piece at the least.

The means to know cloth made of flocks, thrums, &c.

XV. And for the better and more easy distinction and knowledge of every such cloth from cloth made of perfect wool, every cloth made of flocks, thrums and lambs wool, shall have the one lift wholly of black yarn, and on the other side a selvedge only: (2) And that from henceforth no person or persons shall put any hair, flocks, thrums or any yarn made of lambs wool, or other deceivable thing or things, in or upon any

any other broad woollen cloth, half-cloth, kerse, frize, dozen, bays, penistone, cotton, *Taunton* cloth, *Bridgewater*, *Dunster* cotton, or other cloth, of what nature, kind and name soever, made to be sold, and sold, not being made and listed with such black list and selvedge as aforesaid; (3) upon pain to forfeit every such of the said woollen cloth, half-cloth, kerse, frize, dozen, penistone, cotton and other woollen cloth, of what nature, kind and name soever, other than such as shall be listed and made as aforesaid, whereinto or upon which any such hair, flocks, thrums, yarn of lambs wool, or other deceivable thing shall be put or used, or the value thereof.

The penalty for putting of any hair, flocks, &c. in- to any other cloth.

XVI. Provided always, that in such towns, places and coun- ties, where flannel, wadnals and coverlets or blankets are usual- ly made, the same may be made in such sort as heretofore hath been lawfully used and accustomed; this statute or any thing therein contained to the contrary thereof in any wise notwith- standing.

Places where flannel, wad- nals and co- verlets be made.

XVII. And if any of the said broad woollen cloths, or half- cloth, or any other kind of woollen cloths, dozens, cottons or other sorts of woollen cloth before-mentioned in this present act, of what nature, kind or name soever they be of, made to be sold, and sold, shall be more in length than is therefore respectively limited and appointed in this present act; then every person or persons selling the same, shall forfeit and pay for every yard and inch exceeding the length so appointed, the sum of ten shillings, and no more.

The forfeiture where the cloth is longer than is ap- pointed.

XVIII. And if any such cloth shall not weigh proportion- ably for every such yard and inch to the severall and respective weight to them so limited and appointed, then the said person and persons selling the same, shall forfeit and lose for every pound weight that shall be wanting above two pounds, the sum of ten shillings, and no more; any former law or statute to the contrary thereof in any wise notwithstanding.

The forfeiture where the cloth wanteth weight.

XIX. And if any such cloth before-mentioned, not exceed- ing the severall lengths to them by this statute limited or ap- pointed, and holding the severall and respective weight limited and appointed, do yet fortune to want of the just breadth li- mited or appointed; then the said person or persons selling the same, shall forfeit and lose for every cloth falling narrow thro- row the whole cloth, twenty shillings, and throughout half the cloth, ten shillings, and under half the cloth, five shillings on- ly and no more; any former laws or statutes inflicting other or greater penalty or penalties to the contrary thereof in any wise notwithstanding.

The forfeiture if the cloth do want breadth,

XX. And if any cloth or cloths of any the names, natures or making aforesaid, which by this statute or any clause or ar- ticle therein, or any other statute now in force and not repealed, shall upon due and convenient trial, within convenient time after sale thereof, in presence of the party that sold the same, or other person or persons by him appointed, if he or they will be present at the search and trial thereof, or if he or they will

The forfeiture if the cloth be of less length than the seal doth purport.

not

not be present, having reasonable notice, then in his or their absence, be found to be of less length than the seal or seals thereon fixed at the time of the sale thereof do purport; then the owner, or person or persons selling the same, shall forfeit and lose to the merchant, draper, or other person or persons that shall have bought the same, for so much as shall be wanting of the length specified in the seal or seals of the said cloth, after the rate of six shillings eight-pence for every yard over and besides the true value of so much of the said cloth or cloths, as shall be found wanting of the length certified by the said seal or seals, and no more; any former law or statute, inflicting other or greater penalty, to the contrary thereof in any wise notwithstanding.

A repeal of all contrary statutes concerning the length, breadth and weight of cloths, or forfeitures.

XXI. And be it further enacted by the authority of this present parliament, That all and every branch, clause and sentence in any former statute, whereby any other length, breadth or weight of the cloths before-mentioned or any of them, or any other penalty or forfeiture concerning the length, breadth or weight of the aforesaid cloths or any of them, or any other offence by this act intended to be reformed, is limited, or whereby any penalty or forfeiture for the offences in this bill mentioned, or any of them, are given to any other person or persons than in and by this statute is limited and intended, shall be from henceforth utterly repealed and made void.

Cloth searched by overseers, shall not be searched, tried or watered again, but by the buyer thereof.

39 Eliz. c. 20.
43 Eliz. c. 10.
Further provided for by
21 Jac. 1. c. 18.
f. 7.

Where the searchers or overseers shall take some benefit by the forfeitures.

XXII. And be it further enacted by authority of this present parliament, That none of the cloths aforesaid, which by the laws and statutes of this realm ought to be sealed, of what name, nature or quality soever they be of, being sealed by the overseers authorized as well by the statute made in the nine and thirtieth year of the reign of our said late sovereign lady Queen Elizabeth, intituled, *An act against the deceitful stretching and tautring of northern cloth*, as also by a statute made in the three and fortieth year of her said reign, intituled, *An act for the true working and making of woollen cloth*, shall afterward be searched, tried or watered by any other person or persons whatsoever, but only by the merchant or draper, or other person to whom the same shall be sold: (2) And that if any woollen cloth, upon the search by the searchers or overseers of the cities, counties, towns or places where the cloth is made, shall be found either to exceed the length or to want of the weight by this statute limited, the said searchers or overseers finding and certifying the said overlength and the weight that shall want, or such of them wherein the offence shall happen to have been committed, by his or their seal or seals, shall have the one moiety of all such penalties and forfeitures, as by this statute are given, limited and appointed, for excess of length or want of weight, and no other person or persons: (3) And shall and may sue for and recover the same by action of debt, bill, plaint or information, in any of his Majesty's courts of record at *Westminster*, wherein no effoin, protection or wager of law shall be allowed; and our

our sovereign lord the King's majesty, his heirs and successors, shall have the other moiety.

XXIII. And also if any woollen cloth or cloths, of any the natures, names or makings aforesaid, shall after such search in the country or other place aforesaid, be found to be faulty in any thing not certified, and appearing by the seal or seals of the said overseers and searchers, by the merchant or draper, or other person or persons buying the same, upon due and convenient trial within convenient time after the sale thereof, in presence of the party that sold the same, or of other person or persons by him or them to be appointed, if he or they will be present at the search and trial thereof, or if he or they will not be present, having reasonable notice given, then in his or their absence; the said merchant or draper, or other person that bought the same, and no other, shall have the one moiety of all the penalties and forfeitures by this statute imposed and incurred, and not become due to the overseers and searchers aforesaid, to his own only proper use and behoof; any former statute, matter or thing whatsoever to the contrary hereof in any wise notwithstanding; (2) and also shall or may sue for and recover the same in any of his Majesty's courts of record at *Westminster*, by action of debt, bill, plaint or information, wherein no essoin, protection or wager of law shall be allowed; and his Majesty, his heirs and successors shall have the other moiety.

The forfeiture where cloths be faulty, and not so certified by the overseer.

XXIV. And forasmuch as of late it hath been reputed, That a broad woollen cloth should and ought to consist of four and twenty such yards and inches as aforesaid, and not above, and payments and other duties have been accordingly demanded and paid for the same: be it therefore enacted by the authority aforesaid, That if any broad woollen cloth be made longer or shorter than four and twenty such said yards and inches, all duties and payments hereafter to be paid for the same, shall be demanded and made proportionable, according to the rate and proportion of four and twenty such said yards and inches for a whole cloth, and not otherwise.

Duties and payments for a broad woollen cloth.

XXV. And whereas by this and divers other statutes concerning drapery and clothing, it is enacted, That all and every broad cloth and cloths, which shall be made in Kent and Sussex, or at the town of Reading, or elsewhere of like making, shall be of a certain length, breadth and weight, in this or other the said statutes expressed and limited, and in like sort for woollen cloths most usually made in some other counties or towns, are first specially and particularly named in this and other the said statutes, and after follow these words (or elsewhere of like making) importing, That it should be lawful for any clothier; of whatsoever town or county within this realm, to make cloth of like making, and accordingly the same hath heretofore been put in ure: Yet forasmuch as of late some doubt hath thereupon risen, be it therefore explained and enacted, That it is and shall be lawful for every clothier, of what town or county soever within this realm, where clothing hath heretofore been used, to make

Every clothier may make any kind of woollen cloth.

The continu-
ance of this act.

The King's
duties and his
officers reserv-
ed.

Cloth once
lawfully
searched and
sealed, shall
not be search-
ed or sealed
again.

make or cause to be made any true woollen cloth, of what name, nature or manner of making soever the same be, albeit the same kind of woollen cloth do bear specially the name of some other county, city or town within this realm. This act to continue until the end of the first session of the next parliament.

XXVI. Provided always, and be it enacted by the authority aforesaid, That neither this act, nor any thing therein contained, shall extend to abridge or diminish any customs or duties appertaining to our sovereign lord the King's majesty, his heirs or successors, or to any his officers or ministers, for the searching, measuring or sealing any the cloths before-mentioned, nor to hurt or prejudice the lawful fees due or belonging to his Majesty's aulneger, or to hurt or prejudice the lawful use and exercise of the office of aulneger; so as after any cloth once lawfully searched and lawfully sealed, the same be not compelled to be further viewed, searched, measured or sealed. *Continued by 3 Car. 1. c. 4. and farther continued by 16 Car. 1. c. 4.*

CAP. III.

An act to give costs to the defendant upon a nonsuit of the plaintiff, or verdict against him.

Cases wherein
by the statute
made 23 H. 8.
c. 15. the de-
fendant shall
recover his
costs.
Hetley 146.

WHEREAS in the three and twentieth year of the reign of King Henry the Eighth of famous memory, a good and profitable law was made, whereby it was enacted, That in cases where the plaintiff in any action, bill or plaint of debt, trespass upon the case, detinue, account, and in some other actions therein especially mentioned, should become nonsuit, or a verdict should be had against the said plaintiff; that then in such cases the defendant should have judgment to recover his costs against every such plaintiff; as by the said law appeareth: (2) Which law hath been found to be very good and beneficial for the common wealth, and thereby many have been discouraged from bringing frivolous and unjust suits, because such parties are to make recompence to the parties unjustly vexed, for the said unjust vexations.

1 Bulstr. 189.
2 Bulstr. 261.
3 Bulstr. 248.
Several cases
wherein the
defendant shall
recover his
costs against
the plaintiff.
8 Eliz. c. 2.
2 Roll. 75, 87,
213.
Hob. 219.
Hutt. 16, 22.
March 24.
C'rp. Jac. 229.

II. And forasmuch as actions of trespass, and actions of Ejectione firmæ, and many other actions real and personal, are within the same mischief, as the said other actions were at the common law, and yet were omitted out of the provision of the said law: (2) For remedy whereof, be it enacted by the King's most excellent majesty, the lords spiritual and temporal, and the commons, in this present parliament assembled, and by the authority of the same, That if any person or persons at any time after the end of this present session of parliament, shall commence or sue in any court of record, or in any other court, any action, bill or plaint of trespass, or Ejectione firmæ, or any other action whatsoever, wherein the plaintiff or demandant might have costs (if in case judgment should be given for him) and the plaintiff or plaintiffs, demandant or demandants, in any such action, bill or plaint, after appearance of the defendant or defendants, be

be nonsoited, or that any verdict happen to pass by any lawful trial against the plaintiff or plaintiffs, demandant or demandants, in any such action, bill or plaint, that then the defendant and defendants, in every such action, bill or plaint, shall have judgment to recover his costs against every such plaintiff and plaintiffs, demandant and demandants, (3) to be assessed, taxed and levied in manner and form as costs in the said cited actions are to be assessed, taxed and levied in and by ²³ H. 8. c. 15. the said law of the three and twentieth year of King Henry the Eighth. Co. En. 29.

C A P. IV.

An act to restrain the utterance of beer and ale to alehouse-keepers and tiplers not licenced.

FOR the better repressing of alehouses, whereof the multitudes and abuses have been and are found intolerable, and still do and are like to increase: (2) be it enacted by the King's most excellent majesty, and the lords spiritual and temporal, and the commons, in this present parliament assembled, and by the authority of the same, That no person or persons by himself, or by any other ways or means, directly or indirectly, shall at any time after three months next after the end of this present session of parliament, sell, utter or deliver, or cause to be sold, uttered or delivered, any beer or ale, to any person or persons, or into the house or cellar of any person or persons that then shall sell or utter beer or ale as a common tipler or alehouse-keeper, the same person not having any licence then in force to sell ale or beer, other than for the convenient use and expence of his, her or their household only; (3) upon pain to forfeit for every barrel sold, uttered or delivered contrary to the form and true meaning of this act, the sum of six shillings eight-pence, and so after that rate for a greater or lesser quantity.

In what case only ale or beer may be sold to an alehouse-keeper having no licence. The abuses of alehouses intolerable. None shall sell ale or beer to an alehouse-keeper not having licence, but for the expence of his household.

II. And be it further enacted by the authority aforesaid, That all offences to be done or committed contrary to the true meaning of this act, and all penalties aforesaid, shall be enquired of, sued for, heard and determined in the sessions of the peace for the county, city or borough, town or liberty, or in the court of record of the city, borough, town or liberty, wherein such offence shall be committed, by action of debt, information, indictment or presentment, wherein no essoin, protection or wager of law shall be allowed to the defendant: (2) and the one half of all which forfeitures shall be to the use of the poor people inhabiting within the city, borough, hundred, town or liberty, where such offences shall be committed from time to time, and the other half thereof to him or them that will sue for the same.

In what courts the offences aforesaid shall be heard and determined.

Who shall have the forfeitures.

III. And to the end that the said one half of the said forfeitures above limited to be to the use of the said poor people, may be truly employed and bestowed upon them, according to the

The poor's half of the forfeitures shall be deli-

vered to the
overseers.

the true meaning of this act: (2) be it further enacted, That the sheriff, bailiff or other officer or person that shall levy or receive any sum or sums of money forfeited and recovered according to the true meaning of this act, shall and may by virtue of this act, without further warrant, deliver the one half of the same sum and sums of money, by him or them so levied and received, to some one or more of the churchwardens and overseers of the poor of the same parish where the same offence shall be committed, to be by them and every of them distributed and bestowed amongst the said poor people, according to the true meaning of this act, who shall likewise have authority by virtue of this act, to distribute and bestow the same accordingly.

The officer
paying the
moiety to the
overseers, shall
be discharged
thereof.

IV. And be it further enacted, That every sheriff, bailiff and other officer and person which shall levy or receive any such forfeiture or forfeitures aforesaid, and shall pay over the moiety and one half thereof, according to the true meaning of this act, shall be thereof discharged against the King's majesty, his heirs and successors.

The penalty
for not distri-
buting the
money re-
ceived to the
poor.

V. And be it further enacted, That if any sheriff, bailiff or other officer or person shall refuse to pay over the moiety and one half of the said money by him or them levied or received, or that the said churchwardens and overseers, to whom the said money shall be so paid, shall not from time to time, within convenient time, truly distribute and bestow the same to and amongst the poor people according to the true meaning of this act, that then every person so offending shall forfeit double the value thereof, to be recovered and employed as aforesaid,

CAP. V.

An act for repressing the odious and loathsome sin of drunkenness.

The penalty
of a drunkard,
and of him
that continu-
eth drinking
in an alehouse.
Drunkenness
the founda-
tion of many
other sins, and
the cause of

WHEREAS the loathsome and odious sin of drunkenness is of late grown into common use within this realm, being the root and foundation of many other enormous sins, as bloodshed, stabbing, murder, swearing, fornication, adultery, and such like, to the great dishonour of God, and of our nation, the overthrow of many good arts and manual trades, the disabling of divers workmen, and the general impoverishing of many good subjects, abusively wasting the good creatures of God:

several enormities. 1 Salk. 45.

The forfeiture
of him that is
convicted of
drunkenness.
7 Jac. 1. c. 10.

II. Be it therefore enacted by the King's most excellent majesty, the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That all and every person or persons, which after forty days next following the end of this present session of parliament, shall be drunk, and of the same offence of drunkenness shall be lawfully convicted, shall for every such offence forfeit and lose five shillings of lawful money of England, to be paid within one week next after his, her or their conviction thereof, to the

the hands of the churchwardens of that parish where the offence shall be committed, who shall be accountable therefore to the use of the poor of the same parish: (2) and if the said person or persons so convicted, shall refuse or neglect to pay the said forfeiture as aforesaid, then the same shall be from time to time levied of the goods of every such person or persons so refusing or neglecting to pay the same, by warrant or precept from the same court, judge or justices, before whom the same conviction shall be: (3) and if the offender or offenders be not able to pay the said sum of five shillings, then the offender or offenders shall be committed to the stocks for every offence, there to remain by the space of six hours.

The penalty for refusing or being not able to pay the forfeiture.

III. And be it further enacted by the authority aforesaid, That if any constable, or any other inferior officer of that parish or place where the offence shall be committed, to whom that shall be given in charge by the precept of any mayor, bailiff or other head officer, or justices of the peace within their several limits, do neglect the due correction of the said offender, or the due levying of the said penalties, where distress may be had; then every person so offending shall forfeit the sum of ten shillings of current money of *England*, to the use of the poor of the same parish or place where the offence shall be committed, to be levied by way of distress; by any other person or persons having warrant from any mayor, bailiff or other head officer, justices of peace, or court, where any such conviction shall be, and to be paid to the churchwardens as before limited, who are also to account for the same to the use aforesaid.

The forfeiture of an inferior officer that doth neglect to do his duty.

IV. And be it further enacted by the authority aforesaid, That if any person or persons within this realm of *England*, or the dominion of *Wales*, shall remain or continue drinking or tipling in any inn, victualling-house or alehouse, being in the same city, town, village or hamlet, wherein the said person or persons (so remaining drinking or tipling) doth dwell and inhabit at the time of such drinking and tipling; and the same being viewed and seen by any mayor or other head officer, justice or justices of peace within their several limits, or duly proved in such manner and form as is limited in and by one act of parliament made in the first session of this present parliament, intituled, *An act to restrain the inordinate haunting and tipling in inns, alehouses and other victualling-houses*, unless it be in such case or cases as be tolerated or excepted in the said act; that then every person or persons so offending shall forfeit and lose for every such offence, the sum of three shillings and four pence of current money of *England*, to the use of the poor of the parish where the said offence shall be committed, to be levied by way of distress, in such manner and form as is before appointed by this act, for the levying of the penalty of five shillings for being drunk: (2) and if it happen that any offender or offenders against the true intent of this clause or branch, being thereof lawfully convicted,

The penalty for continuing drinking in an alehouse, &c.
7 Jac. 1. c. 10.
Further provisions relating thereto, 1 Car. 1. c. 4.

1 Jac. 1. c. 9.

be not able to pay the said forfeiture or forfeitures; then it shall and may be lawful for any mayor, bailiff or other head officer, justice or justices of peace, or court, where any such conviction shall be, to punish the said offender or offenders by setting him, her or them in the stocks for every such offence, by the space of four hours.

What officers shall enquire of and punish the offences committed against this statute, and the statute of
3 Jac. 1. c. 9.

V. For the more due execution of this statute, and for the better and more due proceeding against such offenders, all offences of drunkenness, and of excess and unmeasurable drinking, (2) be it further enacted by the authority of this present parliament, That all the offences in this act, and in the said former act mentioned, shall be from time to time diligently enquired of and presented before the justices of assizes in their circuit, justices of the peace in their quarter or ordinary sessions, and before the mayors, bailiffs or other head officers of every city or town corporate, who have power to enquire of trespasses, riots, routs, forces and such like offences, and in every court-leet, and thereupon such due proceedings shall be against the offender and offenders for their due conviction in that behalf, as in such like cases upon any indictment or presentment is used by the laws of the realm, or customs of the city, town or place where such presentment or indictment shall be enquired of and found.

He that is the second time convicted of drunkenness shall be bound to his good behaviour.

VI. And it is further enacted by the authority aforesaid, That if any person or persons, being once lawfully convicted of the said offence of drunkenness, shall after that be again lawfully convicted of the like offence of drunkenness, that then every person and persons so secondly convicted of the said offence of drunkenness, shall be bounden with two sureties to our sovereign lord the King's majesty, his heirs and successors, in one recognizance or obligation of ten pounds, with condition to be from thenceforth of good behaviour.

What officers shall present the offences aforesaid.

Enlarged by
21 Jac. 1. c. 7.
f. 5.

No restraint of ecclesiastical jurisdictions.

VII. Be it further enacted by the authority aforesaid, That all constables, churchwardens, headboroughs, tithingmen, aleconners and sidemen, shall in their several oaths incident to their several offices, be charged in like sort to present the offences contrary to this statute.

VIII. Provided always, That this act, or any thing therein contained, do not in any wise abridge or restrain the ecclesiastical power or jurisdiction, but that all ordinaries, and other ecclesiastical judges and officers, shall and may proceed to enquire of, censure and punish all such offenders according to the ecclesiastical laws of this realm, in such manner and form as before they lawfully might do; any thing in this act to the contrary notwithstanding.

There shall be but one punishment for one offence.

IX. Provided also, That when any of the offenders against the true intent of this act, or any branch or article thereof, hath been once punished or corrected for his or her offence, by any the ways and means before limited; that then the said offender shall

shall not be otherwise punished or corrected for the same offence by any other ways or means.

X. Provided always, That this act; or any thing therein contained, shall not be prejudicial to either of the two universities of this land, but that the chancellors, masters and scholars, and the successors of them and either of them, may as fully use and enjoy all their jurisdictions, rights, privileges and charters, as heretofore they have or might have done; any thing in this act to the contrary notwithstanding.

XI. Provided always, That no person or persons shall be punished, impeached or molested for any offence mentioned in this statute, unless he shall be for the same offence presented, indicted or convicted within six months after such offence committed: (2) this act to continue until the end of the first session of the next parliament. *Made perpetual by 21 Jac. 1. c. 7. but see 21 Jac. 1. c. 28. which only continues it to the end of the first session of the next parliament. Enforced as perpetual by 1 Car. 1. c. 4.*

CAP. VI.

An act for repealing of so much of one branch of a statute made in the first year of his Majesty's reign, intituled, An act concerning tanners, curriers, shoemakers, and other artificers occupying the cutting of leather, as concerneth the sealing of sheep-skins, and to avoid selling of tanned leather by weight.

WHEREAS by the same statute it plainly appeareth, That the intent and meaning thereof was to make void all former statutes made concerning tanners, curriers, shoemakers, and other artificers occupying the cutting of leather, and to comprehend in one statute all things mentioned in the same former laws needful to be enacted concerning tanners, curriers, shoemakers and other artificers occupying the cutting of leather: (2) and for that in divers branches of the said late statute touching the sealing of leather, amongst many other kinds of tanned leather therein particularly named to be sealed, a rate is set down to be paid for sealing of sheep-skins, as if sheep-skins had been by the intent of the former laws usually sealed; whereas in truth sheep-skins are not meet to be sealed, nor were at any time appointed or limited by any former law to be sealed, because the sealing of them is a fruitless charge, tending to the great hurt and loss of many thousand poor men, and for the good of none, but only for the gain of the sealer thereof.

II. For reformation whereof, be it enacted by our sovereign lord the King's majesty, and by the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That no person or persons shall at any time hereafter incur any penalty, loss or forfeiture, for housing, selling or buying of any tanned sheep-skins unsearched or unsealed, so as the said sheep-skins unsearched and unsealed shall be wrought and converted into

There shall be no penalty for housing, buying or selling of tanned sheep-skins sealed.

ing or selling
sheep-skins
unsealed.

1 Jac. I. c. 22.

Not tanned lea-
ther shall be
sold by weight.

made wares within this realm of England; any thing in the said statute to the contrary notwithstanding.

III. *And where since the making of the said statute, his Majesty's subjects have been much deceived and abused, by selling of tanned leather by weight, the said leather being neither sufficiently tanned, nor thoroughly dried as it ought to be, and before time was wont to be:*

(2) be it therefore further enacted by the authority aforesaid, That no person or persons, after the end of this present session of parliament, shall utter or sell, or cause to be uttered or sold, by weight, any kind of tanned leather whatsoever, (3) upon pain of forfeiture of the said leather so uttered and sold; the said leather or the value thereof, to be recovered in any of the King's majesty's courts of record, by action of debt, bill, plaint or information, wherein no wager of law, essoin or protection shall lie or be allowed; the one moiety of the said forfeiture to be unto the King our sovereign lord, his heirs and successors, and the other moiety unto such person or persons as shall sue for the same.

See, W. & M.

sess. 1. c. 33.

f. 6.

CAP. VII.

An act for the founding and incorporating of a free-grammar-school in the town of Northleech in the county of Gloucester. —

CAP. VIII.

An act touching the drowned marshes of Lesnes and Fants in the county of Kent. 23 El. c. 13. 27 El. c. 27.

CAP. IX.

An act to explain a former act made in the last session of this parliament, intituled, An act to enable all his Majesty's loving subjects of England and Wales to trade freely into the dominions of Spain, Portugal and France.

A corporation
granted by
Queen Eliza-
beth to certain
merchants of
Exeter, shall
continue of
force notwith-
standing the
statute of

3 Jac. I. c. 6.

WHEREAS it pleased our late sovereign lady Queen Elizabeth of famous memory, by her Highness's letters patents under the great seal of England, bearing date the seventeenth day of June in the second year of her Highness's reign, (in consideration of the good, true and faithful obedience and service done by the mayor and principal citizens of the city of Exeter, as well in the time of King Henry the Seventh as of King Edward the Sixth, against divers treasons and rebellions moved and stirred in those days, as also for the taking away, abolishing and amoving of many and sundry absurdities and inconveniences which within the said city and county did increase, by reason of the excessive number of artificers, and other idle, ignorant and unworthy men, which did take upon them to use the art, science and mystery of merchandize and traffick of merchants wares, to the great detriment of the commonwealth of this realm of England, and to the manifest impoverishment of the said city) to, incorporate certain merchants therein named, and their successors, (being citizens and inhabitants of the said city and county) and to give and grant unto them the perpetual name of the governor, consuls, and society of the merchant-adventurers of the city and county of Exeter, trafficking the realm of France and the dominions of the French King; (2) which said incorporation or company of merchants are found

to be of great use, honour and service to the state in general, as well in the advancement of his Majesty's customs, as also for that the said incorporation for the space of forty and five years have relieved twelve poor men with gowns, money and other necessaries, to their great comfort, and do still yearly so apparel and comfort them, and by their said charter they are bound to continue and keep the same for ever :

(3) and likewise they have and do not only charitably from time to time set up sundry young merchants with the loan of money at their first entrance into the trade, but also have raised, and also do raise divers antient merchants, who by losses at the sea have been decayed, by means whereof they have proved afterwards profitable both to the King in customs and other payments, and good members to the commonwealth of the said city :

The several benefits done by the same society to the King and commonwealth.

II. And for that many particular merchants of the said corporation, have in the time of dearth and scarcity of corn, adventured great sums of money out of their own private stocks for corn into foreign kingdoms, for the relief of the poor, as well of the said city, as of the county of Devon, to whom they have sold the same corn in time of great dearth and necessity, sometimes for two shillings six pence, three shillings, and three shillings four pence less in every bushel, than the prices in the markets have then been :

III. And further, for that sundry members of the said incorporation have by their wills and testaments given divers sums of money to the said company to good uses, which must return to their executors, if this company be dissolved, as also for that the said society hath from the beginning thereof been ever found comfortable to all, and offensive to none :

The society comfortable to all, and hurtful to none.

(2) therefore whereas in the last session of parliament holden at Westminster in the third year of his Majesty's reign, one general act was made, intituled, An act to enable all his Majesty's loving subjects of England and Wales, to trade freely into the dominions of Spain, Portugal and France : The general words of which act may be objected and urged, to extend to the annihilating and dissolving of the said particular charter and company, contrary to the meaning of this high court of parliament, and the intent of the makers of that law, as is conceived by the opinion of sundry learned in the laws : may it therefore please your most excellent Majesty, with the assent of the lords spiritual and temporal, and the commons, in this present parliament assembled, that it may be enacted, explained and declared, (3) and be it enacted, explained and declared, by the authority of the same, That the said general law so made as aforesaid, neither doth nor shall dissolve, annihilate or impeach the said charter, or the said company, in any their privileges, liberties or immunities granted unto them by the said charter ; any thing in the foresaid general act to the contrary thereof in any wise notwithstanding.

The statute of 3 Jac. 1. c. 6. may be extended to the dissolving of the said company.

The statute of 3 Jac. 1. c. 6. neither doth nor shall impeach the liberties granted by Queen Elizabeth's charter.

CAP. X.

An act for confirmation of some part of a charter granted by King Henry the Sixth to the mayor, bailiffs and burgesses of the town of Southampton, and for the relief of the said town. — Certain liberties granted by King Henry 6. to the mayor, &c. of Southampton confirmed. A restraint of all merchants not being free of Southampton to buy or

sell within the town. A confirmation of so much of the charter of King Henry 6. as doth restrain strangers to buy or sell in Southampton. None, not being free of the said town shall buy or sell to another not being free. What commodities, and for what purposes may be bought by any person. Buying and selling in fairs, or on ship-board. The barons and freemen of the cinque ports excepted.

CAP. XI.

An act for the better provision of meadow and pasture for necessary maintenance of husbandry and tillage in the manors, lordships and parishes of Marden, alias Mawarden, Bodenham, Wellington, Sutton St. Michael, Sutton St. Nicholas, Murton upon Lug, and the parish of Pipe, and every of them, in the county of Hereford. — The owners and farmers of lands in certain manors in the county of Hereford, may inclose some part thereof. The different husbandry of the said manors from other parts of the realm. Every owner and farmer within the manors aforesaid, may inclose a third part of his lands, &c. This act shall not extend to a waste or common ground. A provision where one person is owner of the first crop, and others of the later mowth. The act doth not give a lawful title to the possessor of any land where he had none before. None shall be hindered of his lawful way. Every person that doth inclose, shall be abated of his common proportionably. They who do inclose, may be stinted of their common by the residue of the commoners. The forfeiture of him who keepeth more cattle than is limited by his stint. The offences of surcharge of common, shall be enquired of and punished in leets and courts baron. A provision where land inclosed is dismembred from the tenements wherewith it was occupied. A provision for the continuing of certain grounds inclosed one time of the year, as they have been. The usage of lug-meadow shall not be altered.

CAP. XII.

An act for explanation of a statute made in the third year of the reign of King James, intituled, An act for the bringing in of a fresh stream of running water to the north parts of the city of London.

An act for the bringing of a new river to the north parts of the city of London, according to a former statute made, 3 Jac. p. 18,

WHEREAS of late in the parliament holden at *Westminster*, in the third year of the reign of our sovereign lord King *James*, An act was made for the bringing of a fresh stream of running water to the north parts of the city of *London*, as by the same act appeareth: now for that sithence the making of that law, upon view of the grounds through which the waters are to pass, by men of skill, and upon advised consideration of the premisses, it is thought more convenient, and less damage to the ground, that the same running water be brought and conveyed in and through a trunk or vault of brick or stone inclosed, and in some places where need is, raised upon arches, than in open trench or sewer, (2) which manner of conveyance of the same water in a trunk or vault of brick or stone, is doubtful whether by the words of the former law it may be lawfully effected by the lord mayor and commonalty, and citizens of the city of *London*, albeit they do not duly perform every part, clause, matter and thing in the said statute contained, which on their part are by the true intent of that law to be performed.

II. For clearing of which doubt, and plain declaration of the true meaning of the said law, be it enacted by our sovereign lord the King, and by the lords spiritual and temporal, and

and commons of this present parliament assembled, and by the authority of the same, that at any time or times after the laying out of such convenient limits of ground for the making of the trench, or conveyance of water to the north parts of the said city of *London*, at the breadth of ten foot, and not above, as to the mayor and commonalty, and citizens of the city of *London*, and their deputies and workmen, with the allowance of the commissioners in the said former act mentioned, or any seven of them, shall be seen convenient and meet for the same, and in that place that they shall find to be most apt and meet for that purpose, according to the true intent of the said statute, that the mayor and commonalty, and citizens of the said city of *London*, and their successors, deputies and workmen, for the consideration in the said former act expressed, shall have liberty, not only to dig the same ground to be employed in the same river or new cut, as in the said former act is expressed, but also in the same place where they shall think most meet for the said new cut or passage of water, to frame, erect, and make a trunk or vault of brick or stone for the passage of the said water to the north parts of the said city of *London*, not exceeding ten foot in breadth, in such manner and form to be laid in the earth or upon arches, as to the mayor and commonalty, and citizens of *London* shall seem meet, (2) and from time to time for ever to maintain and preserve the same trunk or vault of brick or stone, and for that purpose to have like liberty and free passage to and from the said trunk or vault of brick or stone, for making, erecting, maintaining and preserving thereof from time to time for ever, as they had or might have had by the intent of the said former act, to and from the said new cut or river, with men, horses, carts and carriages, at all times convenient, and in places convenient for the making of the said new cut or river, with men, horses, cart and carriages, at all times convenient, and in places convenient for the making of the said new cut or trench, and for the preserving of the same from time to time for ever; any thing in the said former statute, or in any other law or statute to the contrary thereof in any wise notwithstanding.

The mayor, &c. of London, may erect a trunk or vault in the earth, to convey the water from Chadwell, &c. to London.

The mayor, &c. of London may from time to time maintain the said trunk or vault.

CAP. XIII.

An act for the draining of certain fens and low grounds in the isle of Ely, subject to hurt by surrounding, containing about six thousand acres, compassed about with certain banks commonly called and named the ring of Waldersey and Coodham. The undertakers shall have for the inning and maintaining of the grounds surrounded, two parts thereof. Of whom the two parts shall be holden. The two parts shall be discharged of tithes during seven years. A provision for the owners, if the grounds drained shall be again surrounded. The undertakers shall not drain through other's grounds otherwise than they may do by the law.

Anno Regni JACOBI Regis Angliæ, Scotiæ, Franciæ, & Hiberniæ, viz. Angliæ, Franciæ & Hiberniæ septimo, et Scotiæ quadragesimo tertio.

AT the fourth session of parliament begun and holden by prorogation at Westminster the ninth day of February 1609. in the seventh year of the reign of our most gracious sovereign lord James, by the grace of God, of England, France and Ireland, King, defender of the faith, &c. and of Scotland the three and fortieth: and there continued until the three and twentieth day of July: (and then prorogued until the sixteenth day of October next following, 1610.) To the high pleasure of Almighty God, and to the weal publick of this realm, were enacted as followeth.

CAP. I.

An act for the better execution of justice, and suppressing of criminal offenders in the north parts of the kingdom of England.

Wherean Englishman shall have his trial that committeth felony in Scotland.

4 Jac. 1. c. 1.

WHEREAS in a statute made in the third session of this present parliament, intituled, An act for the utter abolition of all memory of hostility, and the dependancies thereof, between England and Scotland, and for the repressing of occasions of discords and disorders in time to come, it was amongst other things enacted, That no natural-born subject of the realm of England, or the dominions of the same, should for any high treason, misprision or concealment of high treason, petty treason, or any other whatsoever offence or cause committed within Scotland, be sent out of England where he is apprehended, to receive his trial, until such time as both realms should be made one in laws and government, which is the thing so much desired, as that wherein the full perfection of the blessed union already begun in his Majesty's royal person consisteth.

II. Since the making of which statute, although these parts of the kingdom of England, adjoining and lying near unto the realm and kingdom of Scotland, have been and are by his Majesty's incessant care and princely policy, reduced to more civil and peaceable estate than could in short time have been expected or hoped for: (2) yet experience teacheth, that malefactors of either realm having committed their offences in the other realm, do forthwith fly and escape into their own country, thereby to purchase their impunity, to the great and manifest grievance of the one realm, and the dishonour of the other: by means whereof very many great and heinous offences since the making of the said statute have been and are still likely to be committed without condign punishment; (3) for that since the making of the said statute,

tute, there hath not been any one offender committing any the offences aforesaid in Scotland, that hath been prosecuted to his trial, judgment or execution in England, by reason or upon any the branches, laws or ordinances in the said statute mentioned or contained: (4) whereby it manifestly appeareth, that the said clause in the said statute contained, and before in this present act expressly mentioned, concerning the not sending out of England any natural-born subject of this realm or the dominions of the same, for any whatsoever offence committed within the realm of Scotland, to receive his trial for any the said offences, hath not brought forth that good effect as was hoped for, and by the said law intended, to the great prejudice and dishonour of both realms:

III. For the preventing of which apparent and too manifest mischief and inconvenience, be it enacted, and by the authority of this present parliament established, That if at any time or times after the end of this present session of parliament, any person or persons shall commit any offence or offences within the realm of *Scotland*, which by the laws of this realm of *England* is, are or shall be declared or adjudged to be petty treason, murder, manslaughter, felonious burning of houses and corn, burglary, robbing of houses by day, robbery, theft or rape, and do or shall fly or escape into the realm of *England*, and be or shall be apprehended within any the counties of *Northumberland*, *Cumberland*, *Westmerland*, or any parts or members of the same, or within the parts or places lying on the north-side of the river of *Tine*, commonly called or known by the names of *Bedlingtonshire*, *Norhamshire* and *Islandshire*, the town and county of *Newcastle upon Tine*, and the town of *Berwick upon Tweed*, with the bounds and liberties thereof; that then it shall and may be lawful to and for the justices of assize, or any one of them in the absence of the other, the justices of gaol-delivery at their gaol-delivery, or any four of them, or the justices of peace in their general or quarter-sessions, or any four of them, upon due and mature examination of the said offence or offences in open sessions, and pregnant proofs of the same, by warrant under their hands and seals, to demand and send all and every such offender and offenders into the realm of *Scotland*, there to receive their trial for any the offences aforesaid by them there committed; any thing in the said statute contained to the contrary thereof notwithstanding.

If an Englishman shall commit felony in *Scotland*, and then fly into *England*, the justices may send the offender into *Scotland* to be tried.

IV. This law to continue to the end of the first session of the next parliament.

Continuance of this statute.

V. Provided nevertheless, and be it enacted by the authority aforesaid, That this statute, nor any clause therein contained, shall take effect or be in force, or in any wise be deemed or expounded to take effect, to any intent, construction or purpose, until a law by act of parliament be made and established within the realm of *Scotland*, for the remanding and sending out of the realm of *Scotland* into the realm of *England*, all and every person and persons born within the realm of *Scotland*.

A like act is to be made in *Scotland*.

land, or the dominions of the same, which shall at any time hereafter commit any the offences aforesaid within the realm of England, to receive his or their trial in the realm of England, for all and every the said offences by them committed in the said realm of England. 3 Car. 1. c. 4. Continued until the end of the first session of the next parliament, and farther continued by 26 Car. 1. c. 4.

CAP. II.

An act that all such as are to be naturalized, or restored in blood, shall first receive the sacrament of the Lord's supper, and the oath of allegiance and the oath of supremacy.

What they shall be bound unto who shall be naturalized or restored in blood.

FORASMUCH as the naturalizing of strangers, and restoring to blood persons attainted, have been ever reputed matters of mere grace and favour, which are not fit to be bestowed upon any others than such as are of the religion now established in this realm; (2) be it therefore enacted by the King's most excellent majesty, the lords spiritual and temporal, and the commons, in this present parliament assembled, That no person or persons of what quality, condition or place soever, being of the age of eighteen years or above, shall be naturalized or restored in blood, unless the said person or persons have received the sacrament of the Lord's supper within one month next before any bill exhibited for that purpose, and also shall take the oath of supremacy, and the oath of allegiance, in the parliament-house, before his or her bill be twice read: (3) and for the better effecting of the premisses, be it further enacted by the authority aforesaid, that the lord chancellor of England, or lord keeper of the great seal for the time being, if the bill begin in the upper house, and the speaker of the commons house of parliament for the time being, if the bill begin there, shall have authority at all times during the session of parliament, to minister such oath and oaths, and to such person and persons, as by the true intent of this statute is to be ministered. This act to take place from and after the end of this present session of parliament.

When this act shall take place.

CAP. III.

An act for the continuing and better maintenance of husbandry and other manual occupations, by the true employment of monies given and to be given for the binding out of apprentices.

How money given for binding of poor children to occupations shall be bestowed.

FORASMUCH as the true labour and exercise of husbandry, and the bringing up of apprentices of both sexes in trades and manual occupations, are things very profitable in the commonwealth, and acceptable and pleasing unto Almighty God, there being already great sums of money freely given, and more in time to come like to be given, by divers well-disposed persons, unto the corporations of divers cities, boroughs, towns corporate, and unto divers persons in sundry towns not corporate, and parishes within this realm of England, to be continu-

ally

ally employed in the binding out as apprentices, of a great number of the poorest sort of children unto needful trades and occupations; the experience whereof hath brought forth very great profit and commodity unto those cities, towns and parishes where any parts of the said monies have been so given and employed, and so no doubt there will consequently ensue thereof the exceeding good of the commonwealth in general: (2) and for that the most part of the poorer sorts of children, would (as heretofore) without such good care and assistance be brought up in idleness, and disordered kinds of life, to their utter overthrow, and to the great prejudice of the whole commonwealth: (3) and for that it is very likely that many other well-disposed people will be the better encouraged, willingly to follow the like good example in bestowing also good sums of monies to the same good and godly purposes, if it might be so provided, that such monies as have been already so freely given, or as hereafter shall be given, for the binding out of such poor children apprentices, may continually hereafter remain, and be wholly employed accordingly.

II. Be it therefore enacted by the King's most excellent majesty, the lords spiritual and temporal, and the commons, in this present parliament assembled, and by the authority of the same, That all sums of money so freely given at any time within three years last past, or hereafter to be given by any person or persons, to be continually employed for the binding out of apprentices as aforesaid, shall for ever from henceforth continue and be from time to time used and employed to such uses, intents and purposes only, and by such persons, and in such manner and form as shall be hereafter by this present act specified and declared, except the same have been or shall be otherwise ordered or disposed by the givers thereof; that is to say, (2) that all corporations of all cities, boroughs and towns corporate, by what name or names soever they shall be known or incorporated, and in towns and parishes not incorporate, the parson or vicar of every such town or parish, together with the constable or constables, the churchwarden or churchwardens, collectors, and the overseers for the poor for the time being, or the most part of them, where any such sum or sums of money are already given, or shall be hereafter given, to be so employed, shall from time to time within the said several cities, boroughs, towns and parishes respectively, have the nomination and placing of such apprentices, and the guiding and employment of all such monies as have been heretofore so given, or which hereafter shall be given, to and for the continual binding forth of such and so many apprentices, and in such sort as is already, or shall hereafter be so given and appointed, either by the last will and testament, or by any writing or writings under the hands and seals of any person or persons which hath already, or hereafter shall so give any sum or sums of monies unto the good and godly purposes and intents aforesaid: (3) and if the corporation of any such cities, boroughs or towns corporate, by what name or names soever they shall be called or incorporated, or any the person or persons in the other towns and parishes above men-

How money given for the binding out of poor children apprentices shall be employed, and by whom.

The forfeiture of those who of duty ought, and yet refuse to employ the money.

tioned, appointed by this act to have continually the guiding and employment of such sums of monies so already given, or hereafter to be given, to the intents and purposes aforesaid, shall at any time hereafter wilfully forbear or refuse, according to their duties in this behalf, to imploy such sums of money so given or to be given as aforesaid, for the binding out of such apprentices, by means of which wilful forbearance or refusing, the said money shall not be employed accordingly; that then they and every of them so offending contrary to this act, shall forfeit for every such offence, the sum of three pounds six shillings and eight pence lawful *English* money; the one half thereof to be given to the poor of the town or parish where such fault or offence shall be done or committed; the other moiety to the party that shall sue for the same; (4) and that every man that will, may and shall be admitted to sue for the same moiety, for the use and benefit of the said poor, and shall be also admitted to sue for the forfeiture of the other moiety, in any of the King's majesty's courts of record, to his own benefit and behoof, by action of debt, bill, plaint, or information, wherein no protection, wager of law or esoin shall be admitted or allowed.

The party which receiveth the money shall be bound with sureties to repay it.

III. And for that all monies so given may the better continue to and for the purposes aforesaid, be it enacted by the authority aforesaid, That the master, mistress or dame of every such apprentice or apprentices that shall receive any such sum or sums of money as aforesaid, shall become bound with one or two sufficient sureties, by bond or obligation in double the sum which they and every of them shall so receive with such apprentice or apprentices as aforesaid, unto the corporation of any such city or town corporate, by what name or names soever they shall be called or incorporated, or to such person or persons in the other towns and parishes not incorporated, appointed by this act to have continually the guiding and employment of all such sums of money so already given or hereafter to be given, to the intents and purposes aforesaid respectively, upon condition to repay such sum or sums of money, as he or she shall so receive with any such apprentice or apprentices, at the end of seven years next ensuing the date of the said obligation, or within three months next after the end of the said seven years: (2) and if such apprentice shall happen to die within the said space of seven years, then within one year after his or her said death; (3) and if the master, mistress or dame, to whom any such apprentice or apprentices shall be bound, shall happen to die within the said space of seven years, then within one year next after his or her said death; (4) so as the said monies may be again imployed for placing such apprentice with some other person of the same trade, to serve out the residue of the years of his or her former apprenticeship, by the discretion of the said persons trusted as aforesaid.

Within what

IV. And be it further enacted by the authority aforesaid,

That every such sum or sums of money so given or to be given in manner and form; and to and for the good uses and intents aforeaid, shall always be put forth and employed by the parties aforeaid, that by this act shall have the disposing and employment thereof, within three months at the furthest, after such money shall come to the hands of the said parties, that by the intent and true meaning of this act ought to dispose and employ the same; (2) and if at such times there shall not be found fit and apt persons to be bound out as apprentices as aforeaid, within the said cities, towns and parishes where such sums of money are or hereafter shall be given to be employed as afore is declared; then such of the poorest children of any of the parishes next adjoining shall be bound apprentices in manner as aforeaid, as by the care and good discretions of the parties which by this act have the disposing and employment of the said sums of money in the cities, towns and parishes where it was first given to be employed, shall be thought fit and convenient, taking such bonds and obligations of the persons that shall receive the said sums of money so put forth, and with such sureties, and upon such conditions, as is above mentioned and declared.

V. Provided always, and be it enacted by the authority aforesaid, That choice from time to time be made of the poorest sorts of children of every such city, town and parish, where such monies shall be so given, and whose parents are least able to relieve them: (2) and that no such apprentice shall be above the age of fifteen years when he or she shall be so first bound out an apprentice.

VI. And for the better execution of this act, be it further enacted by the authority aforeaid, That all and every person and persons appointed by this act to have the employing and disposing of any sum or sums of money so given or to be given as aforeaid, within any town or parish not corporate, shall after the end of this present session of parliament, once every year in the *Easter* week, or within one month next after *Easter* day, make a true and perfect account before four, three, or two justices of the peace, dwelling in or next to every of the said towns or parishes, of all such sum and sums of money as they or any of them have employed in binding of apprentices, by virtue of this act, and of all bonds and obligations taken for the payment thereof, and also of all such sums of money as then shall happen to be remaining in their hands not employed: (2) and also shall at the making and yielding up of the said account, or within ten days then next following, yield and deliver up unto such as shall happen next to succeed them, or then to be in the said rooms and places, all such obligations and bonds as by them or any of them have been before that time taken to the uses aforeaid; as also all sums of money remaining in their or any of their hands to be employed as aforeaid, and not employed at the time of the yielding up of the said account.

VII. And

A remedy
where any
party trusted
shall break the
trust, or com-
mit any of-
fence.

VII. And further be it enacted by the authority aforesaid, That if any of the parties appointed and trusted by this act to have the disposing and imployment of any of the said sums of money so given or to be given as aforesaid, shall in any point or degree break the trust and confidence in them in this behalf reposed, or shall commit any other misdemeanor or offence in misimploying of the said sums of money; or any part thereof, or in doing any other act or acts contrary to their duties, and the true intent and meaning of this act, for which there is not by this act any penalty given or appointed, then it shall and may be lawful for any person or persons whatsoever, in the behalf of the poor of such city, borough or parish, to exhibit his petition to the lord chancellor or lord keeper of the great seal of *England* for the time being, touching the same: which lord chancellor or lord keeper of the great seal of *England* for the time being, shall thereupon have full power and authority to award a commission out of the high court of chancery, under the great seal of *England*, to such and so many persons as his lordship shall think meet, to enquire, hear and determine the said offences; and every of them: (2) and if the said commissioners or the most part of them shall find, that any sum or sums of money so given or to be given, are lost, impaired, wasted or diminished, then they or the most part of them shall likewise have power, by virtue of this act and of their said commission, to rate, raise and collect the said sum of money so lost, impaired, wasted or diminished, upon such person or persons in places not incorporate; as by this act are appointed to have the guiding and ordering of the said monies, if they or any of them have failed in their said duties in that behalf, or otherwise upon the able inhabitants of such city, town or parish, where the same shall so happen, as in the discretion of the said commissioners or the greatest part of them shall be thought fittest, and to return the said commission and the manner of the execution thereof, into the said high court of chancery within three months next after the execution thereof: (3) and if any person or persons shall find himself grieved by any thing done by the said commissioners, then upon complaint thereof made in the high court of chancery; the said lord chancellor or lord keeper for the time being, shall have full power and authority to order and decree the same, as to his lordship shall be thought most fit to stand with equity and good conscience.

A remedy for
any party
grieved by
the commis-
sioners.

CAP. IV.

An act for the due execution of divers laws and statutes heretofore made against rogues, vagabonds and sturdy beggars, and other lewd and idle persons.

39 El. c. 4 & 5.
Houses of cor-
rection shall
be provided;
and the go-

WHEREAS heretofore divers good and necessary laws and statutes have been made and provided for the erection of houses of correction, for the suppressing and punishing of rogues, vagabonds and other idle, vagrant and disorderly persons; which laws have not wrought

wrought so good effect as was expected, as well for that the said houses of correction have not been built according as was intended, as also for that the said statutes have not been duly and severely put in execution, as by the said statutes were appointed: (2) for remedy whereof, be it enacted and established by our sovereign lord the King's majesty, and by the lords spiritual and temporal, and by the commons, in this present parliament assembled, and by the authority of the same, That all laws and statutes now in force, made for the erecting and building of houses of correction, and for punishing of rogues, vagabonds, and other wandering and idle persons, shall be put in due execution.

II. And be it further enacted and established by the authority aforesaid, That before the feast of Saint *Michael* the archangel, which shall be in the year of our Lord God one thousand six hundred and eleven, there shall be erected, built or otherwise provided, within every county of this realm of *England* and *Wales*, where there is not one house of correction already built; purchased, provided or continued, one or more fit and convenient house or houses of correction, with convenient backside thereunto adjoining, together with mills, turns, cards and such like necessary implements, to set the said rogues or such other idle persons on work; the same houses to be built, erected or provided in some convenient place or town in every county: (2) which houses shall be purchased, conveyed or assured unto such person or persons as by the justices of peace or the more part of them, in their quarter sessions of the peace to be holden within every county of this realm of *England* and *Wales*, upon trust, to the intent the same shall be used and employed for the keeping, correcting and setting to work of the said rogues, vagabonds, sturdy beggars and other idle and disorderly persons.

III. And be it further enacted by the authority aforesaid, That if the said house so to be erected, purchased or provided; shall not be erected, built or otherwise provided before the feast of Saint *Michael* the archangel, which shall be in the year one thousand six hundred and eleven next ensuing the last day of this present session of parliament, That then every justice of peace within every county of this realm of *England* and *Wales*, where such house and backside shall not be erected or provided, shall forfeit for his said neglect, five pounds of lawful *English* money; (2) the one moiety thereof to be unto him or them that will sue for the same by action of debt, bill, plaint or information; in which suit no protection, essoin or wager of law shall be admitted; and the other moiety thereof to be employed and bestowed towards the erecting, building, procuring or providing the said house and backside, and such necessary implements as aforesaid.

IV. And be it further enacted and established by the authority aforesaid, That the justices of peace of every county within the realm of *England* and *Wales*, at their quarter sessions of the

There shall be a house of correction provided in every shire to set idle persons to work.
2 Inst. 728.
39 El. c. 4.

The forfeiture of every justice of peace if the house of correction be not provided.

A governor shall be appointed of every house the

of correction
and his au-
thority.

the peace to be holden for their several counties (now after the erecting, providing or building of the said house or houses, and so from time to time) or the most part of them, shall elect, nominate and appoint at their will and pleasure, one or more honest fit person or persons, to be governor or master of the said house or houses so to be purchased, erected, built or provided : (2) which person and persons so chosen by virtue of this present act, shall have power and authority to set such rogues, vagabonds, idle and disorderly persons, as shall be brought or sent unto the said house, to work and labour (being able) from time to time, for such time as they shall continue and be remaining in the said house of correction, and to punish the said rogues, vagabonds, idle and disorderly persons, by putting fetters or gives upon them, and by moderate whipping of them : (3) and that the said rogues, vagabonds and idle persons, during such time as they shall continue and remain in the said house of correction, shall in no sort be chargeable to the country for any allowance, either at their bringing in or going forth, or during the time of their abode there, but shall have such and so much allowance as they shall deserve by their own labour and work.

The rogues
shall not be
chargeable to
the country.

V. And be it further enacted by the authority aforesaid, That the said justices of peace of every county, within every of their several divisions, twice in every year at the least, and oftner if there be occasion, shall assemble and meet together for the better execution of this statute ; and that some four or five days before their assembly and meeting, the said justices or the more part of them shall by their warrant command the constables and tithingmen of every hundred, town, parish, village and hamlet, within their said several divisions, which shall be assisted with sufficient men of the same places, to make a general privy search in one night within their said hundreds, towns, villages and hamlets, for the finding out and apprehending of the said rogues, vagabonds, wandering and idle persons ; (2) and that such rogues, vagabonds, wandering and idle persons, as they shall then find and apprehend in the said search, shall by them be brought before the said justices at their said assembly or meeting, there to be examined of their idle and wandering life, there to be punished, or otherwise by their warrant to be sent or conveyed unto the said house or houses of correction within the said county appointed and prefixed there, to be delivered to the master or governor of the said house, or to his deputy or assignee, to be set to labour and work : (3) at which days and times of assembly and meeting so to be held by the said justices of peace, the constables and tithingmen of every hundred, parish, town, village and hamlet, shall then appear in every their several divisions, before the said justices of peace, at the said assemblies or meetings, and there shall give account and reckoning upon oath in writing, and under the hand of the minister of every parish, what rogues, vagabonds and wandering and disorderly persons they have apprehended, both in the same search, and also between every such assemblies and meetings, and how many have been

General privy
search shall be
made in every
hundred,
town, &c.

Repealed by
13 Annæ,
stat. 2 c. 23.
s. 28.

The constables
account of va-
gabonds ap-
prehended.

been by them punished or otherwise sent unto the houses of correction: which if the said constables or tithing-men shall neglect to perform, as also to convey safely all such rogues, with all other idle and disorderly persons, at the charge of the hundred, as by the justices of peace their warrants shall be sent unto the houses of correction in the same county; that then they shall forfeit such further fines, pains and penalties, as by the said justices of peace or the most part of them shall be thought fit and convenient, not exceeding the sum of forty shillings for every offence.

VI. *And for that it is convenient that the masters or governors of the said houses of correction should have some fit allowance and maintenance for their travel and care to be had in the said service, as also for the relieving of such as shall happen to be weak and sick in their custody, and that the subjects of this realm should in no sort be overcharged, to raise up money for stocks to set such on work as shall be committed to their custody;* (2) be it therefore enacted and established by the authority of this present parliament, That the masters or governors of the said houses of correction, shall have such sums of money yearly, as shall be thought meet by the most part of the justices of peace within the said county at the quarter-sessions of the peace, the same to be paid quarterly before-hand by the treasurers appointed by one act made in the three and fortieth year of the late Queen Elizabeth, intituled, *An act for the relief of the poor*, during the time they the said masters and governors shall be employed in the said service, (the said master or governor giving sufficient security for the continuance and performance of the said service) (3) which if the said treasurer shall neglect or refuse to perform, That then the said master or governor of the house of correction shall have authority by this present act to levy the same, or so much thereof as shall be unpaid, upon the said treasurer's account, in such manner and form as by the said statute they the said treasurers are appointed and authorised to levy the weekly sum or payment being to them unpaid.

The governor's allowance for his pains and maintenance.

43 Eliz. c. 2.

VII. *And because great charge ariseth upon many places within this realm by reason of bastardy, besides the great dishonour of Almighty God, be it therefore enacted by the authority aforesaid, That every lewd woman, which after this present session of parliament shall have any bastard which may be chargeable to the parish, the justices of peace shall commit such lewd woman to the house of correction, there to be punished and set on work, during the term of one whole year; (2) and if she shall estoons offend again, That then to be committed to the said house of correction as aforesaid, and there to remain until she can put in good sureties for her good behaviour, not to offend so again.*

The punishment of lewd women who have bastards.
18 Eliz. c. 3.
2 Bulstr. 348.
3 Car. 1. c. 4.
f. 15.

VIII. *And for that many wilful people finding that they having children, have some hope to have relief from the parish wherein they dwell, and being able to labour, and thereby to relieve themselves and their families, do nevertheless run away out of their parishes, and leave their families upon the parish; (2) for remedy whereof, be it fur-*

A remedy for them that run ther

away, and leave their children to the charge of the parish.
5 Geo. 1. c. 2.

ther enacted by this present parliament, and the authority of the same, That all such persons so running away shall be taken and deemed to be incorrigible rogues, and endure the pain of incorrigible rogues: (3) and if either such man or woman being able to work, and shall threaten to run away and leave their families as aforesaid, the same being proved by two sufficient witnesses upon oath, before two justices of peace in that division; that then the said persons so threatening shall by the said justices of peace be sent to the houses of correction, (unless he or she can put in sufficient sureties for the discharge of the parish) there to be dealt with and detained as a sturdy and wandering rogue, and to be delivered at the said assembly or meeting, or at the quarter-sessions, and not otherwise.

The governors shall give account to the justices of all persons committed to their custody.

XI. *And because there shall be the more care taken by all such masters of the houses of correction, that when the country hath been at trouble and charge to bring all such disorderly persons, as aforesaid, to their safe keeping, that then they shall perform their duties in that behalf,* (2) be it therefore enacted by the authority aforesaid, That if they shall not every quarter-sessions yield a true and lawful account unto the justices of peace of all such persons as have been committed to their custody, or if the said persons committed to their custody, or any of them, shall be troublesome unto the country, by going abroad, or otherwise shall escape away from the said house of correction before they shall be from thence lawfully delivered; that then the said justices shall set down such fines and penalties upon the said master and governors, as the most part of them in their quarter-sessions shall think fit and convenient; (3) and all fines and penalties not herein before limited shall be paid unto the treasurer, and accounted for by the treasurer aforesaid. (4) This act to have continuance for the space of seven years, and from thence to the end of the next session of parliament after the said seven years. 3 Car. 1. c. 4. *Continued until the end of the first session of the next parliament, and farther continued by 16 Car. 1. c. 4.*

The continuance of this act.

CAP V.

An act for ease in pleading troublesome and contentious suits prosecuted against justices of the peace, mayors, constables, and certain other his Majesty's officers, for the lawful execution of their office.

The plea of an officer impleaded for the execution of his office.
Cro. Car. 175,
285, 467.
Vaugh. 213.
Moy 32.

FOR ease in pleading against many causeless and contentious suits which have been, and daily are commenced and prosecuted against justices of peace, mayors or bailiffs of cities and towns corporate, head-boroughs, port-reves, constables, tithingmen, collectors of subsidies and fifteens, who for due execution of their office have been troubled and molested, and still are like to be troubled and molested, by evil-disposed contentious persons, to their great charge and discouragement in doing of their offices: (2) be it therefore enacted by our sovereign lord the King, and by the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That if any action, bill, plaint or suit, upon

upon the case, trespass, battery or false imprisonment, shall be brought after forty days next after the end of this session of parliament, in any of his Majesty's courts at *Westminster* or elsewhere, against any justice of peace, mayor or bailiff of city or town corporate, headborough, port-wive, constable, tithingman, collector of subsidy or fifteens, for or concerning any matter, cause or thing, by them or any of them done by virtue or reason of their or any of their office or offices, That it shall be lawful to and for every such justice of peace, mayor, bailiff, constable or other officer or officers before named, and all others which in their aid or assistance, or by their commandment, shall do any thing touching or concerning his or their office or offices, to plead the general issue, that he or they are not guilty, (3) and to give such special matter in evidence to the jury which shall try the same, which special matter being pleaded had been a good and sufficient matter in law to have discharged the said defendant or defendants of the trespass, or other matter laid to his or their charge: (4) and that if the verdict shall pass with the said defendant or defendants in any such action, or the plaintiff or plaintiffs therein become nonsuit, or suffer any discontinuance thereof, That in every such case the justices or justice, or such other judge before whom the said matter shall be tried, shall by force and virtue of this act allow unto the defendant or defendants his or their double costs, which he or they shall have sustained by reason of their wrongful vexation in defence of the said action or suit; (5) for which the said defendant or defendants shall have like remedy, as in other cases where costs by the laws of this realm are given to the defendants. (6) And this act to continue for seven years, and from thence to the end of the next parliament after the said seven years. *This statute is enlarged, and made perpetual.* 21 Jac. 1. c. 12. but see 21 Jac. 1. c. 28. which only continues it to the end of the first session of the next parliament.

1 Roll. 274.

Moor 845.

1 Mod. 184.

The defendant allowed double costs of suit.

3 Bulstr. 77.

Continuance of this act.

CAP. VI.

An act for administering the oath of allegiance, and reformation of married women recusants.

WHEREAS by a statute made in the third year of your Majesty's reign, intituled, An act for the better discovering and repressing of popish recusants, the form of an oath to be ministered and given to certain persons in the same act mentioned is limited and prescribed, tending only to the declaration of such duty as every true and well-affecting subject, not only by bond of allegiance, but also by the commandment of Almighty God, ought to bear to your Majesty, your heirs and successors: (2) which oath such as are infected with popish superstition do oppugne with many false and unsound arguments, the just defence whereof your Majesty hath heretofore undertaken and worthily performed, to the great contentment of all your loving subjects, notwithstanding the gain-sayings of contentious adversaries.

1 Jac. 1. c. 4.
Who shall take the oath of obedience to the King, and by whom it shall be ministered, and within what time.

1 Bulstr. 199.

II. And to shew how greatly your loyal subjects do approve the said oath; They prostrate themselves at your Majesty's feet, beseeching

Every person above the age of eighteen

years herein
intended shall
take the oath
of obedience.

ing your Majesty that the same oath may be administered to all your subjects: to which end we with all humbleness beseech your Highness that it may be enacted, (2) and be it enacted, by the authority of this present parliament, That all and every person and persons, as well ecclesiastical as temporal, of what estate, dignity, preheminance, sex, quality or degree soever, he, she or they be, or shall be, above the age of eighteen years, being hereafter in this act mentioned and intended, shall make, take and receive a corporal oath upon the evangelists, according to the tenor and effect of the said oath set forth in the said fore-mentioned statute, before such person or persons as hereafter in this act is expressed: that is to say, (3) all and every archbishop and bishop that now is or hereafter shall be, before the lord chancellor or lord keeper of the great seal for the time being.

Before whom
each person
shall take the
oath.

3 Jac. 1. c. 4.

Archbishops
and bishops,
ecclesiastical
judges and
officers.

III. And all and every ecclesiastical judge, officer and minister, of what estate, dignity, preheminance or degree soever he or they be or shall be, before the archbishop of the province, or bishop, or other ordinary of the diocese for the time being, wherein such ecclesiastical judge, officer or minister ought to exercise his said office, place or function.

A baron or
baroness, or a-
bove that de-
gree, privy
counsellors
and presidents.

IV. And all and every person and persons of or above the degree of a baron of parliament, or baroness of this your Highness's realm of *England*, and all of your Highness's privy council residing in *London* or *Westminster*, or within thirty miles thereof, and the presidents of *Wales* and the north parts, before any four of your Highness's privy council, whereof the lord chancellor, lord treasurer, lord privy seal or principal secretary for the time being, to be one: (2) and if such person or persons live and reside in the country, distant above thirty miles from *London*, then before the lord bishop of the diocese, or such other person or persons as the lord chancellor or lord keeper of the great seal for the time being shall thereto by writ of *dedimus potestatem* authorize.

The sworn ser-
vants of the
King, the
Queen, Prince,
&c.

V. And all and every the sworn servants, ordinary and extraordinary, of your Highness's, the Queen's grace, or of the household of the prince of *Wales*, and of the rest of your Highness's children, before the lord steward, the lord chamberlains and vice-chamberlains to your Highness's and the Queen, the treasurer and comptroller of your Highness's household, the master of your Highness's horse, the dean of the chapel, and the knight-marshal for the time being, the officers of the green-cloth, or any three of them.

Judges, mini-
sters of justice,
and they who
receive the
King's fee.

VI. All and every temporal judge, justices of peace, sheriffs, escheators, feodaries, and other officers and ministers of justice in this present act not specially mentioned, and every other person or persons that doth or shall receive any fee of your Highness, your heirs and successors, before the lord chancellor or lord keeper of the great seal, lord treasurer, lord admiral, lord warden of the five ports, for the time being, or one of them, or before one of the chief justices of either of your Majesty's bench,

or of the common pleas, or before the justices of assize of the same county where the parties reside, or other such persons as the lord chancellor or keeper of the said great seal shall thereunto authorize.

VII. And all mayors, bailiffs or other chief officers of cities and towns corporate, by what name soever they be called or known, before such person or persons as usually administer the oath to them at their first entrance into their said offices.

Chief officers of cities and towns corporate.

VIII. And all and every the knights, citizens, burgesses and barons of the five ports of the commons house of parliament, at any parliament or session of parliament hereafter to be assembled, before he or they shall be permitted to enter into the said house, before the lord steward for the time being, or his deputy or deputies: (2) and the master of the ordnance, lieutenant of the tower of London, and mint-master there, the four principal officers of your navy under the lord admiral, before the lord chancellor or lord keeper of the great seal, and the lord admiral for the time being, or any of them.

Knights, citizens, burgesses and barons of the parliament.

The master of the ordnance, lieutenant of the tower, &c.

IX. And all the officers, ministers, servants and others, within your said tower of London, before the lieutenant of the tower.

Officers and servants in the tower.

X. And all the vice-admirals, captains, masters, officers, ministers and soldiers in your Highness ships, or any of them, before the said four principal officers of your navy, or any two of them.

Officers and soldiers in ships.

XI. And all persons having charge of castles, fortresses, block-houses or garrisons, and all captains who shall have charge of soldiers, within this your Highness realm, before the justices of assize of the same county, or before two justices of the peace of the same county, city or liberty, where the same castles, fortresses or block-houses shall stand, or the charge of soldiers shall be.

Captains of castles, soldiers.

XII. All doctors, advocates and proctors of the civil law, and their clerks, before the bishop of the diocese where they shall for the most part dwell or reside.

Doctors, advocates and proctors of the civil law. Sueres of livery.

XIII. And all and every person or persons temporal that hereafter shall sue livery or *ouster le main* out of the hands of your Highness, your heirs or successors, before his or their *ouster le main* sued forth and allowed, before the master of the wards and liveries, or before the surveyor and attorney of your Highness said court, in open court.

XIV. All the serjeants at law, servants to the judges in your Highness courts at Westminster, and all other in the serjeants inns, before the chief justice of your Majesty's bench, the chief justice of the common pleas, and the chief baron of your exchequer, or some or one of them.

Serjeants at the law, and the judges servants.

XV. All your Highness subjects in the inns of court, or that hereafter shall be admitted thereunto, and the principals and treasurers of every inn of chancery, before the readers and benchers of the several houses whereto they belong, or four of them at the least, in their open halls.

Gentlemen of the inns of court, and principals of the inns of chancery.

All of the inns
of chancery.

XVI. All other your Majesty's subjects, as well ancients as others, not being principal or treasurer, that now are or hereafter shall be admitted into any inn of chancery, before the principal or treasurer, and ancients of the several inns of chancery, or four of them, in their open halls.

Prothonotaries, officers,
attornies,
clerks, &c.

XVII. All prothonotaries, philizers, officers, ministers, attornies and clerks, that now are or hereafter shall be admitted to write or practise in any of your Highness courts at *Westminster*, or in any other court of record, before the judge or judges of the same court.

Clerks and officers of the
chancery.

XVIII. All clerks of the chancery, and all their under-clerks, and all other officers of the said court of chancery, and their clerks, before the master of the rolls for the time being, or before two of the masters of the said court of chancery.

Parsons, vicars, curates,
&c. school-master, usher.

XIX. And all parsons, vicars and curates, and all other persons ecclesiastical taking orders, and all and every school-master and usher, before the bishop of the diocese, or other ordinary in the same, sitting in open court.

The vice-chancellors in the universities, and principals of colleges or halls.

XX. The vice-chancellors of both the universities for the time being, and the presidents, wardens, provosts, masters of colleges and halls, and all other heads and principals of houses, proctors, and beadles of the universities, publicly in the convocation, before the senior masters there present.

Persons promoted to degree in school.

XXI. And all and every other persons whatsoever, that is or shall be promoted to any degree in school, before the vice-chancellor of the said university for the time being, in the congregation-house.

Fellows and scholars in colleges.

XXII. All fellows of houses, and all scholars of halls or colleges, that now are or hereafter shall be received into the same, being under the degree of a baron, before the president, master, provost, warden, or other head or chief governor of that college, hall or house, whereunto he shall be received, and in the open hall.

Doctors and practisers of physick.

XXIII. And all doctors of physick, and all other who practise physick, that now are or hereafter shall be admitted into the college of physicians in *London*, before the president of the same college for the time being.

Aldermen, sheriffs, and freemen of cities and towns corporate.

XXIV. And all aldermen, sheriffs and under officers whatsoever, of the cities and towns corporate, and all such as hereafter shall be made freemen of the said city or town corporate, before the mayor, bailiffs, or other chief officer of the said city or town, in the open hall.

When the persons aforesaid shall take the said oath.

XXV. And to the intent that due execution may be had of the premisses without delay, it is further enacted by the authority aforesaid, That all the persons before named, who have any certain time limited or expressed when to take the aforesaid oath, shall at the time therein prescribed take the same, and the rest within six months next after the end of this present session of parliament.

Who may tender the said oath, and to whom.

XXVI. And be it further enacted by authority of this present parliament, That it shall and may be lawful to and for any one of the privy council of your Highness, or of your heirs and suc-

successors, and to and for every bishop in his diocese, to require any baron or baroness of the age of eighteen years or above, to take the said oath; (2) and to and for any two justices of peace within any county, city, or town corporate, whereof one to be of the *quorum*, to require any person or persons of the age of eighteen years or above, under the degree of a baron or baroness, to take the said oath: (3) and if any person or persons of or above the said age and degree, now stand or hereafter at any time shall stand and be presented, indicted or convicted for not coming to church or not receiving the holy communion or sacrament of the Lord's supper, according to the laws and statutes of this realm, before the ordinary, or other having lawful power to take such presentment or indictment, then three of the privy council of your Highness, your heirs and successors, whereof the lord chancellor, lord treasurer, lord privy seal or principal secretary to be one, upon knowledge thereof, shall require such person or persons to take the said oath: (4) and if any other person or persons whatsoever, of and above the said age, and under the said degree, now stand or at any time hereafter shall stand, and be presented, indicted or convicted for not coming to church or receiving the holy communion or sacrament of the Lord's supper, according to the laws and statutes of this realm, before the ordinary or any other having lawful power to take such presentment or indictment; or if the minister, petty constable and church-wardens, or any two of them, shall at any time hereafter complain to any justice of peace, near adjoining to the place where any person complained of shall dwell, and the said justice shall find cause of suspicion; that then any one justice of peace, within whose commission or power such person or persons shall at any time hereafter be, or to whom complaint shall be made as aforesaid, shall upon notice thereof require such person or persons to take the said oath: (5) and that if any person or persons, being of the age of eighteen years or above, shall refuse to take the said oath, duly tendered to him or her, according to the true intent and meaning of this statute, that then the persons authorized by this law to give the said oath, shall and may commit the same offender to the common gaol, there to remain without bail or mainprize, until the next assizes or general quarter-sessions to be holden for the said shire, division, limit or liberty; where the said oath shall be again in the said open sessions required of such person by the said justices of assize or justices of the peace then and there present, or the greater number of them: (6) and if the said person or persons, of the age of eighteen years or above, shall refuse to take the said oath, being tendered to him or her by the said justices of assize and gaol-delivery, in their open assizes or gaol-delivery, or the justices of peace or the greater part of them in their general or quarter-sessions, every person so refusing shall incur the danger and penalty of *præmunire*, mentioned in a statute made in the sixteenth year of the reign of King Richard the Second, (except women covert, who shall be committed only to

The penalty
for refusing to
take the said
oath.
12 Co. 138.

16 R. 2. c. 5.
1 Roll. 91.

prison, there to remain without bail or mainprize till they will take the said oath.)

Disabled to
execute or
practise cer-
tain offices or
sciences.

XXVII. And be it further enacted, That every person refusing to take the said oath as above, shall be disabled to all intents and purposes, to execute any publick place of judicature, or bear any other office (being no office of inheritance or ministerial function) within this your Highness realm of *England*: (2) or to use or practice the common law or civil law, or the science of physick or surgery, or the art of an apothecary, or any liberal science, for his or their gain, within this realm, until such time as the same person shall receive the same oath, according to the intent of this statute.

The penalty of
a married wo-
man recusant
that shall not
come to the
church and
receive the
sacrament.

XXVIII. And be it further enacted, That if any married woman (being lawfully convicted as a popish recusant for not coming to church) shall not within three months next after such conviction conform her self, and repair to the church and receive the sacrament of the Lord's supper, according to the former laws and statutes made and provided in that behalf touching recusants; That then she shall be committed to prison by one of the privy council of your Highness, your heirs or successors, or by the bishop of the diocese, if she be a baroness, or if she be under that degree, by two justices of the peace of the same county, whereof one to be of the *quorum*, there to remain without bail or mainprize until she shall conform her self and come to church, and receive the sacrament of the Lord's supper, unless the husband of such wife shall pay to the King's majesty, his heirs or successors, for the offence of his said wife, for every month ten pounds of lawful money of *England*, or else the third part (in three parts to be divided) of all his land and tenements, at the choice of the husband whose wife is so convicted as aforesaid, for and during so long time as she remaining a recusant convicted, shall continue out of prison, during which time (and no longer) she may be at liberty.

C A P. VII.

An act for the punishing and correcting of deceit and frauds committed by sorters, kembers and spinsters of wool, and weavers of woollen yarn.

WHEREAS by the trade of clothing, making of bays, says, and other cloths and stuffs made of wool or partly of wool, many poor people are set on work, and great profit hath grown to the poor and commonwealth thereby; (2) yet now by the abuse and deceit of the sorters, kembers, carders and spinsters of wool to them delivered, by the persons using the trades aforesaid, and weavers of the yarn made of such wool, who are set on work by the clothier, maker of bays, says and other cloths and stuffs aforesaid, by unjustly, deceitfully, and falsly purloining, imbezilling, selling and detaining of part thereof, to the great damage of the clothier and others using the trades aforesaid, whereby true clothmaking is much hindered and idleness doth daily increase: (3) so that many exercising the trades beforementioned are greatly impoverished, and the parties which commit the offences aforesaid,

said, being poor and altogether unable to make recompence or satisfaction for the trespasses, deceits and abuses aforesaid, have much distressed the said clothier, maker of bays and others of the trades aforesaid, to set poor people on work, whereby much poverty doth increase and more is like daily to increase, to the great damage and hindrance of the commonwealth:

II. For the preventing and reformation whereof, be it enacted by the authority of this present parliament, That all and every such lewd person and persons, who shall at any time after twenty days next after the end of this session of parliament, unjustly, falsely or deceitfully convey away, imbezil, purloin, sell or detain any part of the wool or yarn delivered by any clothier, maker of bays, says, or by any other person or persons making any such cloths or stuffs, to any such sorter, carder, kember, spinster or weaver of wool or yarn; That in every such case and cases, as well the sorter, carder, kember, spinster and weaver so offending, as the buyer and buyers, receiver and receivers of the same, knowing the same, being thereof lawfully convicted (by confession of the party or parties so offending, or by one sufficient witness upon oath before two or more of the King's majesty's justices of the peace of the same county or liberty where the same offence or offences shall be committed, or if it be within a town corporate, before the mayor, bailiff or chief officer, and one more of the aldermen or most substantial persons of the said town, (2) who shall by force of this act have full power and authority to minister the same oath, and finally to hear, end and determine all and every the offences aforesaid); (3) shall give and make to the party or parties grieved, such recompence and satisfaction for such their damage and loss, as by the said justices or chief officers shall be ordered and appointed: (4) and if the party or parties so offending shall not be thought, in the discretion of the said justices or chief officers, able or sufficient, or do not make recompence or satisfaction for the same offence or offences, in such manner and form as by the said justices or chief officers shall be ordered and appointed as aforesaid, then the party or parties offending, for the first offence to be apprehended and whipped, or set in the stocks, in the place where the offence is committed, or in some market-town in the said county, near unto the place where the offence or offences aforesaid shall be committed, as shall be limited and appointed by the said justices of the peace or chief officers: (5) and for the second offence, to incur the like or such further punishment by whipping, or being put in the stocks, as the said justices of the peace or chief officers shall in their discretion think fit and convenient.

The penalty of a worker of wool or yarn that doth imbezil or detain any part thereof,

III. And be it likewise enacted by the authority aforesaid, That all and every receiver and receivers, buyer and buyers of any wool or yarn, imbezilled or purloined, contrary to the meaning of this act, knowing the same to be imbezilled or purloined, shall be subject to like punishment as by this act is inflicted or provided to be inflicted upon any such person so imbezilling or purloining any such wool or yarn as aforesaid.

The punishment of the receiver or buyer of imbezilled yarn.
1 Salk. 181.

IV. And be it likewise enacted, That all and every spinner and
Spinners of wool in cer-

tain towns in
Essex.

and spinners of wool within the county of *Essex*, that shall receive any wool to be spun into yarn for any clothier or maker of bays, says or other stuffs aforesaid, dwelling in the town of *Cogshal*, *Bocking*, *Braintree*, *Halstead*, *Wittam* or *Colchester*, within the said county, and shall deliver back again the yarn made of the said wool by any shorter reel than hath been there usual of ancient time, that is to say, the said reel containing two yards about, shall be subject to like punishment as by this act is inflicted or provided to be inflicted upon any person or persons imbezilling and purloining yarn as aforesaid.

CAP. VIII.

An act to enlarge an act of parliament made in the second and third year of King Philip and Queen Mary, intituled, An act for the keeping of milch-kine, or breeding and rearing of calves.

2 & 3 Ph. & M.
c. 3.

23 Eliz. c. 25.

WHEREAS in the second and third years of King Philip and Queen Mary, a profitable act was made for the avoiding of the scarcity of cattle and victual, intituled, An act for the keeping of milch-kine, and for the breeding and rearing of calves; (2) which act being then made only to continue to the end of the next session of parliament, was found so necessary for the good of the commonwealth, that after many continuances of it by several parliaments; it was at length, in the thirteenth year of the reign of our late Queen Elizabeth of happy memory, made perpetual: (3) because the said act hath not produced so good effect as was expected, in respect it did and doth extend only to such pasture grounds as were inclosed before the said act, and wherein no person at the making of the said act had common for any cattle at any time of the year, and not to such pasture grounds as since have been converted from tillage, and inclosed or taken out of commons and inclosed, whereas in all equity and conscience, many of the said late inclosures deserve no way to be kept and enjoyed with more liberty, than the said former and ancient inclosures:

The statute of
2 & 3 Ph. & M.
c. 3. shall be
extended to
grounds since
inclosed or
hereafter to
be inclosed.

II Be it therefore enacted by the King's most excellent majesty, the lords spiritual and temporal, and the commons, in this present parliament assembled, and by the authority of the same, That the said former act, and the pains and penalties therein contained, shall from and after the feast of Saint Michael the archangel now next ensuing, be extended and construed, taken, expounded and adjudged to extend, as fully to all intents, constructions and purposes with the same provisos, and in like manner, to all and every the grounds apt and meet for milch-kine, since the making of the said act inclosed or hereafter to be inclosed, and not to be laid open to common at any time of the year, and to the occupiers thereof, as to the grounds before the said act made several, and wherein none had interest of common at the time of making the said act, and to the occupiers thereof, and as if the said grounds so lately inclosed and hereafter to be inclosed and made several, had been so inclosed and held several at the time of the making of the said act, and as if

no person or persons, other than the owners thereof, then had interest of common therein; any word, sentence or clause in the said former act to the contrary in any wise notwithstanding.

CAP. IX.

An act for the bringing of fresh streams of water by engine from Hackney-Marsh to the city of London, for the benefit of the King's college at Chelsea.

WHEREAS his Majesty, of his most royal and zealous care for the defence of true religion now established within this realm of *England*, and for the refuting of errors and heresies repugnant unto the same, hath been graciously pleased by his letters patents under the great seal of *England*, to found a college at *Chelsea* near *London*, and therein to place certain learned divines, and to incorporate the same by the name of the provost and fellows of the college of King *James*, in *Chelsea* near *London*, of the foundation of the same *James* King of *England*, and hath of his most gracious bounty and goodness not only endowed the same with certain lands, privileges and immunities, but hath also for their further maintenance and sustentation, given unto them a capacity and ability to receive and take from his Majesty, or any of his loving subjects, any lands, tenements, hereditaments, gifts, benefits, and profits whatsoever, not exceeding in the whole the yearly value of three thousand pounds, as in and by the said letters patents doth more at large appear:

A college shall be erected at Chelsea, and a trench shall be made to convey water from the river of Lee to London, to maintain the same.

The cause of the erection of the Kings college in Chelsea.

The name of the corporation.

Ability to receive lands not exceeding three thousand pounds by year.

II. And whereas also it is manifest and evident, that the bringing in of fresh streams of running water into the city of *London*, is very convenient, necessary and profitable, as well for the private use of such as shall rent the same, as a help for cleansing the said city in the time of sickness, and preserving the same against all sudden adventures of fire:

III. It is therefore enacted by the King's most excellent majesty and the lords spiritual and temporal, and the commons in this present parliament assembled, That it shall and may be lawful to the said provost and fellows, their successors, deputies and assigns, at all and every such place and places, in the open fields or marshes lying between the bridge called *Lock-bridge*, in or near the parish of *Hackney* in the county of *Middlesex*, and the bridge called *Bow-bridge* at *Stratford-Bow* in the parish of *Stepney*, in the said county (as by the said provost and fellows, their successors, deputies or assigns, by and with the consent and allowance of the occupiers and owners of the soil in the said place or places, (2) and in default of such assent or allowance, by such composition first to be made with the said occupiers and owners of the said soil, as by the commissioners by virtue of this act, to be in this behalf appointed, shall be thought fit and convenient) to dig or cut from and out of the main river of *Lee*, on that side or bank of the same river which is next unto the city of *London*, a ditch or trench not exceeding in breadth ten foot, or to scour, cleanse or enlarge unto the breadth

The provost and fellows may dig a trench out of the river of Lee, or scour any old already made.

aforesaid,

The provost,
&c. may erect
engines, wa-
ter-works, &c.
and houses or
coverings for
the same.

aforsaid, any old ditch or trench there already made: (3) and the same ditch or trench either old or new so to be made, or to be cleaned, to convey by or through the said fields and marshes in all places convenient, in such sort as the same may again be returned, and made to open itself into the main river, within some such convenient distance from the mouth thereof, as to the said commissioners shall (for the intents and purposes hereafter expressed) be thought fit: (4) upon which ditch or trench, or places near adjoining thereunto, it shall and may be lawful to the said provost and fellows, their successors, deputies or assigns, to erect or cause to be erected certain engines, water-works or water-wheels, as also houses or coverings requisite for the same, where by the assent of the said commissioners the same shall be agreed upon, to be no let or hinderance to the ordinary passage of barges, boats, or such other vessels upon the said river of *Lee*, and by and through the said ditch or trench to carry and convey so much of the water of the said main river, as by the said provost and fellows, their successors, deputies or assigns, shall be thought requisite and necessary to be used for the working or motions of the said engines or water-wheels, and shall also by the said commissioners be thought to be no prejudice or hinderance to the ordinary passage of barges, boats, or such other vessels upon the same river:

The provost,
&c. may dig
for opening of
springs of
fresh water,
and convey the
same by tren-
ches into a
pond.

IV. And that it shall and may be lawful to and for the said provost and fellows, their successors, deputies and assigns (in all places apt and convenient, within a convenient distance of the said engines or water-works) to dig for the taking and further opening of springs of fresh water there found, or to be found on the west side of the said river, next unto the city of *London*, and the water of the said springs to carry and convey by and through certain little gutters or trenches, or pots or pipes under the ground, into one pit, pond, or head of convenient largeness, to be made by the said provost and fellows, their successors, deputies or assigns, in some place apt for the same:

The provost,
&c. may con-
vey in pipes
under the
ground from
the water-
works unto
the city and
suburbs of
London, the
same water.

V. And that it shall and may be lawful to and for the said provost and fellows, their successors, deputies and assigns, having by art and sleight of engines and water-works, or by any other means or device raised the water of the said springs, and so much of the water there running in the said ditch or trench, as shall be thought necessary, to such height, and into such place, pond, head or receipt (as to them shall seem in that behalf requisite) to convey and carry the same in close pipes under ground, from the said water-works, and the said other places of receipt, unto the city of *London* and the suburbs thereof, for the perpetual maintenance and sustentation of the said provost and fellows, and their successors, by the rent to be made of the said waters conveyed as aforesaid:

The provost,
&c. may dig
and open the

VI. And that for the conveyance of the said water, it shall and may be lawful to and for the said provost and fellows, their

their successors, deputies and assigns (in all places convenient between the said water-works and the said city of London) to dig, cut and open the ground to such depth and breadth as shall be convenient for the laying in of the said pipes or pots through which the said water shall pass, and for making little conduit-heads for vents unto the same, for the better passage of the said waters : (2) and the same ground so opened for the purpose aforesaid, (after the said pipes or pots are laid in and placed) the said provost and fellows, their successors, deputies and assigns, shall with turf, earth, gravel, or other materials, again fill up and cover.

VII. And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the said provost and fellows, their successors, deputies and assigns, from time to time, and at all times convenient, with their men, horses, carts, or other carriages, to have free entry and passage by, over or through any ground or land, in places, and at times meet and convenient for the doing and performing of any thing requisite for the making of the said several passages of waters, or for the doing of any other act or thing concerning the same, authorized by this act, as also for the continual preservation and reparation of the said works, as often as need shall require.

VIII. And be it further enacted by the authority aforesaid, That the lord chancellor or lord keeper of the great seal of England for the time being (by commission under the great seal of England, at the requests and charges of the said provost and fellows, their successors, substitutes and deputies, or upon the complaints or petition of any person or persons whom it may concern) shall nominate, appoint and authorize, by commission or commissions under the great seal of England, seven discreet and sufficient persons, whereof two shall be justices of peace of the county of Middlesex, and two of the city of London, and three others at the choice and appointment of the said lord chancellor or lord keeper, every of the said persons having lands and tenements of the clear yearly value of forty pounds at the least : (2) which said seven persons, or any four or more of them shall have power to order and set down what rate or rates, sum or sums of money shall be paid by the said provost and fellows (as well for satisfaction and recompence of damages, in making the fore recited works, or any thing belonging to the same, as also for any manner of damages to be sustained in the amending or reparation thereof from time to time, or any other costs or charges sustained by reason of the same) to the lords owners and occupiers of the ground and soil, or to others interested in the said river or waters, for which composition is to be made by the intent of this act, if the parties cannot of themselves agree, and in what manner the same shall be paid :

IX. And that for the recovery of such money as shall be so ordered and set down by the said commissioners, or any four or more of them, the party or parties to whom the said money shall be due and payable, by the true intent of the said order, shall or may recover the same, together with the reasonable

ground for
laying of
pipes, and
making of
conduit-
heads.

The provost,
&c. shall have
free passage
through any
ground for the
making and
continual pre-
servation of
the same
works.

Commissioners
shall be ap-
pointed to set
down the rates
of the damages
which each
person shall
sustain, and
the recom-
pence for the
same.

The parties
remedy to re-
cover the re-
compence
assessed.

reasonable costs and damages for the forbearance thereof, against the said provost and fellows, by action of debt, bill or plaint, in any his Majesty's courts at *Westminster*, wherein no esoin or protection shall be allowed.

Certain places exempt through the which the water is not to be conveyed.

X. Provided always, and it is further enacted by this present parliament, and by the authority of the same, That the said water shall not be conveyed through the house, garden or orchard of any person or persons, or through any part thereof, or through any corn-fields while the corn is growing or standing on the same, without the consent first had of the owners and occupiers of the said houses, gardens, orchards, and corn-fields.

C A P. X.

An act for the reformation of alehouse-keepers.

The penalty for any offence committed against the statute of

4 Jac. 1. c. 5.

1 Jac. 1. c. 9.

4 Jac. 1. c. 5.

WHEREAS notwithstanding all former laws and provisions already made, the inordinate and extreme vice of excessive drinking and drunkenness doth more and more abound, to the great offence of Almighty God, and the wasteful destruction of God's good creatures: (2) be it enacted by the authority of this present parliament, That if any person being an alehouse-keeper (after six weeks next ensuing this present session of parliament) shall be lawfully convicted for any offence or offences committed against any of the branches of two former acts of parliament made since the beginning of this present parliament, the one intituled, *An act to restrain the inordinate haunting and tippling in inns, alehouses and other victualling-houses*; the other intituled, *An act against the odious and loathsome sin of drunkenness*; That then every person or persons so convicted, shall for the space of three years next ensuing the said conviction, be utterly disabled to keep any such alehouse.

C A P. XI.

An act to prevent the spoil of corn and grain, by untimely hawking, and for the better preservation of pheasants and partridges.

1 Jac. 1. c. 27.

WHEREAS in the first session of this present parliament there was a good law made, amongst other things, for the preservation of the game of pheasants and partridges, which hath not yielded that good success as was by the same law hoped for and intended, through disorderly and unseasonable hawking, whereby great quantity of corn and grain hath been and is not only uncharitably spoiled and destroyed, but great numbers of pheasants and partridges thereby killed and spoiled, before they be either fit to be hawked at, or to be used for food or diet:

II. For the preventing of both which inconveniencies and mischiefs, be it enacted by the authority of this present parliament, That all and every person or persons whatsoever, which at any time after the end of this present session of parliament doth or shall hawk at, destroy or kill any pheasant or pheasants, dartridge or partridges, with any kind of hawk or hawks, dog or dogs, by colour of hawking, between the first of July and

and the last day of *August*, and the same offence or offences being proved by the confession of the party, or by the testimony of two sufficient witnesses upon oath, before two or more justices of the peace of the said county, city or town corporate wherein the offence shall be committed, or the party offending apprehended, shall be by the said justices of the peace, for every such offence, committed to the common gaol of the said county, city or town corporate, where the offence shall be committed, or the parties apprehended; (2) there to remain for one whole month without bail or mainprize, unless that the said offender do or shall forthwith upon the said conviction pay, or cause to be paid, to the churchwardens of the said parish, or unto the overseers of the poor, or some of them, where the said offence shall be committed, or the party apprehended, to the use of the poor of the same parish, the sum of forty shillings for every such hawking at any pheasant or partridge, and twenty shillings for every such pheasant or partridge which any and every such person and persons so offending and convicted (as aforesaid) by himself, his hawk or hawks, dog or dogs, shall take kill or destroy, contrary to the true purport, intent and meaning of this present statute.

The penalty for killing of any pheasant or partridge between the first day of July and the last of August.

III. Provided always, and be it enacted by the authority aforesaid, That if any person or persons shall be at any time hereafter convicted and punished by virtue of this law, That then the party so punished shall not for the same offence be afterwards called in question, and punished by virtue of any other law touching or concerning the like offences.

He that is punished by this law shall be excused for any other.

IV. Provided also, That no offenders shall be impeached or punished by virtue of this act, unless he or they be accused as delinquent, before the said justices of peace, within six months next after the said offence or offences committed or done.

Within what time an offender shall be accused.

V. And whereas by a proviso in the said statute contained, it is provided, That it shall and may be lawful to and for every person and persons which have or shall have free warren, and to and for every lord of a manor, and to every freeholder which is or shall be seised in his own right, or in the right of his wife, of lands, tenements or hereditaments, to the clear yearly value of ten pounds or more by the year, over and above all charges and reprises, of some estate of inheritance; (2) or of lands, tenements or hereditaments, in his own right, or in the right of his wife, for term of life or lives, of the yearly value of thirty pounds over and above all charges and reprises; (3) or be or which shall be worth in goods or chattels two hundred pounds; (4) by him or themselves, or by his or their menial servants (sufficiently authorized from his or their master for that purpose) to take pheasants and partridges (in the day-time only) with nets, in and upon his and their own, or his or their masters free warren, manor and freehold, or on any part of them, betwixt the feast of St. Michael the archangel, and the feast of the birth of our Lord God yearly; any thing in the said law to the contrary notwithstanding: (5) by colour of which liberty so given by the said proviso, it is found by experience, that the said games of pheasants and partridges have

have been and still are likely to be much spoiled and destroyed by many mean tenants and freeholders, against the will of the lords or owners of inheritance of the said lands and tenements :

A repeal of a branch of the statute of 1 Jac. 1. c. 27. allowing certain persons to take pheasants and partridges. Who may take pheasants and partridges, where and when.

VI. Be it therefore enacted by the authority aforesaid, That the said proviso, and every clause, article and thing therein contained, shall be from the end of this present session of parliament, utterly repealed, frustrate and made void ; any thing in the said proviso contained to the contrary notwithstanding.

VII. And that it shall and may be lawful for every person or persons which have or shall have free warren, and to and for every lord of a manor, and to and for every freeholder which is or shall be seised in his own right, or in the right of his wife, of lands tenements and hereditaments, to the clear yearly value of forty pounds or more, by the year, over and above all charges and reprises, of some estate of inheritance ; (2) or of lands, tenements and hereditaments in his own right, or in the right of his wife, for term of life or lives, of the yearly value of fourscore pounds over and above all charges and reprises ; (3) or which shall be worth in goods or chattels four hundred pounds ; (4.) by him or themselves, or by his or their menial and household servants (sufficiently authorized from his or their master for that purpose) to take pheasants and partridges (in the day time only) in and upon his and their own, or his and their master's free warren, manor and freehold as aforesaid, or on any part of them, betwixt the feast of St. Michael the archangel and the birth of our Lord God yearly ; any thing in the said law before mentioned to the contrary notwithstanding.

VIII. *And whereas the said games of pheasants and partridges are excessively spoiled and destroyed by base persons, of bad and mean condition, making a trade and living of the spoiling and destroying of the said games, who are not of sufficiency to pay any penalty in any former statute mentioned, nor to answer the costs and charges of any that should inform and prosecute against them in any of his Majesty's courts : (2) by reason whereof, and for that the said offenders are hardly discovered, and seldom or never found offending in the presence of divers witnesses, so that it is very hard to convict them by the testimony of more witnesses than one, by reason that they spoil and destroy the said games secretly, and for the most part in the night-time, and do carry such pheasants and partridges as they so destroy, likewise by night, to cities and market-towns to be sold : (3) be it therefore* further enacted by the authority aforesaid, That all and every person or persons which from and after the first day of September next, shall take, kill or destroy any pheasant or partridge with setting-dogs and nets, or otherwise with any manner of nets, snares or engines, and the same offence or offences being proved by the confession of the party, or by the testimony of one sufficient witness upon oath, before two or more justices of the peace of the same county, city or town corporate, wherein the offence shall be committed, or the party offending apprehended, shall be by the said justices of peace, for every such offence,

com-

The penalty for taking any pheasants or partridges with setting-dogs, nets, or, &c.

mitted to the common gaol of the said county, city or town corporate, where the offence shall be committed, or the party apprehended, (4) there to remain for three months without bail or mainprize, unless that the said offender shall forthwith pay or cause to be paid to the churchwardens or overseers of the poor of the said parish where the said offence shall be committed, the sum of twenty shillings for every pheasant or partridge, which any and every such person or persons so offending shall take, kill or destroy as aforesaid, contrary to the purport and true meaning of this statute; (5) and further to become bound by recognizance in the sum of twenty pounds to his Majesty, his heirs and successors, with condition that he the said party so offending shall not at any time thereafter take, kill, or destroy any pheasant or partridge; which said recognizance shall be taken by any one or more justices of peace of the said county, city or town corporate, where the said offence shall be committed as aforesaid, and shall be returned to the then next quarter-sessions, and there to remain of record as other recognizances taken for the peace.

IX. And be it further enacted, That every constable and headborough in every county, city, town corporate, and other place where they shall be sworn officers, shall and may, by virtue of this present act, (bringing with them to that purpose a lawful warrant under the hands of two justices of the peace of the county, city, liberties or town corporate) have full power and authority to enter into and search the house or houses of any person or persons (other than such as by this present act are allowed to take pheasants and partridges with nets as aforesaid) being suspected to have any setting-dogs or nets for the taking of pheasants and partridges; (2) and wheresoever they shall find any such setting-dogs or nets, the same to take, carry away and detain, kill, destroy and cut in pieces, as things prohibited by this act, and forfeited to such of the said officers as shall find out and take the same as aforesaid.

Officers may search the houses of persons suspected to offend.

X. This law to continue unto the end of the first session of the next parliament, and no longer. 3 Car. 1. c. 4. *Continued until the end of the first session of the next parliament, and farther continued by 16 Car. 1. c. 4.*

Continuance of this act.

C A P. XII.

An act to avoid the double payment of debts.

WHEREAS divers men of trades, and handicraftsmen keeping shop-books, do demand debts of their customers upon their shop-books long time after the same hath been due, and when as they have supposed the particulars and certainty of the wares delivered to be forgotten, then either they themselves or their servants have inserted into their said shop-books divers other wares supposed to be delivered to the same parties, or to their use, which in truth never were delivered, and this of purpose to increase by such undue means the said debt: (2) and whereas divers of the said tradesmen and handicraftsmen, having received all the just debt due upon their said shop-

In what case a tradesman's shop-book shall be no evidence to recover a debt.

38 Ed. 3. ft. 1. books, c. 12.

books, do oftentimes leave the same books uncrossed, or any way discharged, so as the debtors, their executors or administrators, are often by suit of law enforced to pay the same debts again to the party that trusted the said wares, or to his executors or administrators, unless he or they can produce sufficient proof by writing or witnesses, of the said payment, that may countervail the credit of the said shop-books, which few or none can do in any long time after the said payment: (3) be it therefore enacted by the authority of this present parliament, That no tradesman or handicraftsman keeping a shop-book as is aforesaid, his or their executors or administrators, shall after the feast of St. Michael the archangel next coming, be allowed, admitted or received to give his shop-book in evidence in any action for any money due for wares hereafter to be delivered, or for work hereafter to be done, above one year before the same action brought, except he or they, their executors or administrators, shall have obtained or gotten a bill of debt or obligation of the debtor for the said debt, or shall have brought or pursued against the said debtor, his executors or administrators, some action for the said debt, wares or work done, within one year next after the same wares delivered, money due for wares delivered, or work done.

a. Saik. 690.

Intercourse of
traffick be-
tween mer-
chants.

II. Provided always, That this act, or any thing therein contained, shall not extend to any intercourse of traffick, merchandizing, buying, selling, or other trading or dealing for wares delivered or to be delivered, money due, or work done or to be done, between merchant and merchant, merchant and tradesman, or between tradesman and tradesman, for any thing directly falling within the circuit or compass of their mutual trades and merchandise, but that for such things only, they and every of them shall be in case as if this act had never been made; any thing herein contained to the contrary thereof notwithstanding.

Continuance
of this act.
3 Eliz. c. 6.

III. This act to continue to the end of the first session of the next parliament and no longer. 3 Car. 1. c. 4. Continued until the end of the first session of the next parliament, and farther continued by 16 Car. 1. c. 4.

CAP. XIII.

An act for the explanation of a statute made in the second session of this present parliament, intituled, An act against unlawful hunting and stealing of deer and conies.

The forfeiture
for hunting
or killing of
deer in a park,
&c.
3 Jac. 1. c. 13.

WHEREAS question and doubt hath grown and risen upon the exposition of a statute made in the second session of this present parliament, intituled, An act against unlawful hunting and stealing of deer and conies, for that in the body of the said act all unlawful hunting, driving or chasing out, or taking, killing or slaying any deer or conies within any the parks, places or grounds in the said statute mentioned, against the will, mind or pleasure of the owners, occupiers or possessors of the same (as well by day as by night) is prohibited and made penal, in such manner and form as in and by the said

said statute it doth and may more plainly appear; and yet by a proviso in the said statute contained, it is enacted, That the said act, nor any thing herein contained, should extend to any offence or offences concerning the hunting, chasing or killing of deer or conies, which should be done or committed in the day-time, but only to such offences as should be then after done or committed in the night-time only; any thing in the said act contained to the contrary notwithstanding:

II. For the explanation of which doubt and question; and for that it is found by experience, that malefactors of that kind have been much encouraged to chase, hunt, kill and destroy deer in the day-time by colour of the said proviso, whereby many deer, as well in the parks of our sovereign lord the King, as of many his Highness loving subjects, have been and are still like to be unlawfully and riotously chased, hunted and destroyed by many idle, loose and disorderly persons: (2) be it therefore enacted by the authority of this present parliament, That from and after the feast of St. James the apostle next ensuing, so much of the said proviso in the said statute contained, as concerneth the hunting, chasing out or killing of deer only, shall be repealed, frustrated and made void; any thing in the said proviso of the said act contained to the contrary thereof in any wise notwithstanding.

A repeal of so much of a proviso contained in the statute of 3 Jac. 1. c. 13. as concerneth the hunting of deer.

III. And whereas it was by the said former statute, amongst other things, enacted, That if any person or persons did or should wrongfully or unlawfully hunt, chase or drive out, or take, kill or slay any deer within any park or other place in the said statute mentioned, against the will, mind or pleasure of the owners, occupiers or possessioners of the same, that then every such person so offending should satisfy and pay unto the party grieved his treble damages, in such manner and form as in the said statute is mentioned: (2) by reason of the uncertainty whereof, few or no offenders have been discouraged in their said huntings, drivings, chasings out, taking, killing or slaying of deer:

IV. For remedy whereof, be it further by the authority of this present parliament enacted, That if any person or persons from and after the feast of St. James the apostle next coming after the end of this present session of parliament, shall willingly commit any the offences in the said statute mentioned, concerning the unlawful chasing out, hunting, driving, taking, killing or slaying of deer in any park or inclosed ground, which now is or hereafter shall be made or used for deer, against the will, mind or pleasure of the owners, occupiers, possessioners, or keepers of the same; That then all and every such person and persons so offending shall for every such offence pay and satisfy unto the party grieved the sum of ten pounds of current money of England, or else treble damages and costs, at the election of the party grieved; (2) the same to be recovered in such manner and form as in and by the said statute is limited and appointed for the recovery, taxing or assessing of the said treble damages; any thing in the said statute or in this present act contained to the contrary notwithstanding.

V. This law to continue unto the end of the first session of Continuance the next parliament. 3 Car. 1. c. 4. Continued unto the end of this act.

the first session of the next parliament, and farther continued by
16 Car. 1. c. 4.

CAP. XIV.

An act for reviving of part of a former act made in the fourth year of King Edward the Fourth, That no stranger or alien shall buy English horns unwrought; and that the wardens of the borers of the city of London for the time being, should have power to search all manner of wares appertaining to their mystery in London, and twenty-four miles on every side of it.

IN all humble manner shewn and beseechen your most excellent Majesty, the wardens and men of occupation of borers of the city of London; That whereas in the parliament holden at Westminster, 4 Ed. 4. c. 8. in the fourth year of the reign of King Edward the Fourth, grievous complaint was made by men of the occupation of borers, being enfranchised in the city of London, how that the people of strange lands hath come into this land, and into divers parts thereof, and hath bought by the hands of their hosts and guides the great and chief stuff of English horns unwrought, of tanners and butchers, and carry the same over the sea, and there employ the same in divers works, to the great damage of this land, and to the final prejudice of a great number of men being of the occupation of borers:

No stranger shall buy any English horns unwrought in London, or within twenty-four miles compass thereof.

The wardens of borers may search for insufficient ware.

II. It pleased the King's majesty, by the advice and assent of the lords spiritual and temporal in that parliament assembled, and at the request of the commons of the same, and by the authority of the same parliament, to ordain, establish and enact, That from the feast of Easter, which then should be in the year of our Lord God one thousand four hundred sixty-five, That no stranger nor alien, by himself or by any other, should buy any English horns unwrought of any tanners, butchers, or of any other persons, gathered or growing within the said city, or four and twenty miles on every side of the said city next adjoining: (2) and that no Englishman, nor other person, should sell any English horns unwrought to any strangers, or cause them to be sent over the sea, so that the said borers would buy the said horns at like price as they were at the time of the making of the said act, upon pain of forfeiture of all such horns so bought, sold or sent: (3) and that the wardens of the said mystery for the time being, by the said authority, shall have full power to search all manner of ware pertaining to their mystery, wrought or to be wrought, in all places within the said city of London, and four and twenty miles on every side next adjoining to the same city, and within the fairs of Sturbridge and Ely, in whose hands they might be found: (4) and if they by their search find any such ware or stuff in any place within the said city of London and four and twenty miles next adjoining to the same city, or within the fairs of Sturbridge and Ely, in whose hands soever they be to sell, that was defective and insufficient, it should be lawful to them to take the same ware and stuff, and bring the same before the mayor of the said city of London, the mayors or bailiffs of the aforesaid fairs for the time; (5) and the same there being proved defective,

factive, to be forfeit, the one half thereof to our sovereign lord the King, and the other half to the said wardens, to be ordered at their pleasure: (6) In which said act it is provided, That after that men of the said occupation within this land have taken out and chosen such and as many horns as should be needful to their occupation, that then it should be lawful to them all, and to every of them, and other persons of this realm of England, to sell and deliver all the horns refused, which be not able to be occupied in their mystery, to any stranger or other person, to send or carry beyond the sea, or elsewhere, as should please them: (7) The which act in the parliament holden at Westminster in the first year of your Highness reign, was wholly repealed and made void:

After Englishmen have chosen horns, strangers may buy the residue.

1 Jac. 1. c. 25.

III. Forasmuch as since the repealing of the said act, strangers and aliens by the bands of divers of their factors, servants and dealers for them, have and do (as before the making of the said statute of Edward the Fourth they did, that is) daily buy up and procure unto themselves the great and chief stuff of English horns unwrought, of tanners and butchers, and otherwise, and do daily convey and carry them beyond the seas, and there make them into divers works, whereby many householders of your Majesty's subjects, that lived and maintained their families, and paid subsidies and other duties to your Highness, by the benefit of their labour in working the said horns, having no other trade or means by labour to maintain and keep themselves, their wives and children, the company being greatly increased, and the stuff altogether in a manner transported, occasioned such a decrease of the ware, as hereby the company is grown so poor and decayed, as in short time, if remedy be not provided, they and theirs shall be utterly undone: (2) And also by the repealing of the said act, the wardens of the said horners of the said city of London are disabled to search the wares belonging to their said craft, as well within the said city, as in other places in the said act mentioned, and have lost their government in their company: (3) Therefore pleaseth it your Highness, That it may be enacted by your most excellent Majesty, the lords spiritual and temporal, and the commons, in this present parliament assembled, and by the authority of the same, That the said act, and every part and point, thereof, (except power of search within the fairs of *Stourbridge* and *Ely*, and except the limitation of such prices for horns as they were to be had for at the making of the said act) shall be revived, and be of like force, power and virtue from henceforth, as if the same had not been repealed.

The complaint that strangers do buy English horns unwrought.

Part of the statute of 4 Ed. 4. c. 8. revived, touching horns.

IV. And be it further enacted by the authority aforesaid, That no person or persons whatsoever shall sell any *English* horns unwrought to any stranger, or send any *English* horns unwrought over the sea, contrary to the true meaning of the said act; (2) upon pain of forfeiture of double the value of the horns so by him or them so sold or sent; the same forfeiture to be recovered by him or them that will sue for the same by action of debt, bill, plaint or information, in any of the King's majesty's courts of record; the one moiety thereof to be to the King's majesty, his heirs and successors, and the other moiety to him

None shall sell English horns unwrought to a stranger.

or them that will sue for the same; in which suit no protection, privilege or wager of law to be admitted for the defendant.

CAP. XV.

An act concerning some manner of assignment of debts to his Majesty.

What debts only may be assigned to the King.
Hob. 253.

WHEREAS it is conceived that some manner of assignments of debts, if they should be made to his Majesty, his heirs and successors, the same would be inconvenient: His Majesty therefore is well pleased that it be enacted, (2) and be it enacted by authority of this present parliament, That no debt shall at any time after the first day of July, which shall be in the year of our Lord God one thousand six hundred and ten, be assigned to the King's majesty, his heirs and successors, by or from any debtor or accountant to his Majesty, his heirs or successors, other than such debts as did before grow due originally to the King's debtor or accountant *bona fide*; (3) and that all grants and assignments of debts to the King's majesty, his heirs or successors, which from and after the said first day of July shall be had or made contrary to the true intent of this act, shall be void and of no force; any law, custom, privilege or thing to the contrary in any wise notwithstanding.

CAP. XVI.

An act for the encouragement of many poor people in Cumberland and Westmorland, and in the towns and parishes of Carptmell, Oxhead and Broughton in the county of Lancaster, to continue a trade of making cogware, kendals, carptmeals and coarse cottons.

Certain coarse cloths made in the north which shall not be searched or sealed, nor custom nor aulnage paid for them. The effect of the statute of 9 H. 4. c. 2. touching kendal cloth.

WHEREAS by a statute made in the ninth year of the late King Henry the Fourth, it was enacted, That no cloth called kendals (whereof the dozen passed not six shillings and eight-pence) should be sealed with the King's seal, nor aulnage great nor little to be paid for the same: (2) And that the owners might freely sell the said cloths not sealed, without forfeiting any thing to the King for the same, notwithstanding any statute or ordinance made to the contrary: (3) Sithence the making of which statute the said kendals, and other coarse things of like nature, and made of the like coarse wool, and differing in name only, called cogware, coarse cottons and carptmeals, have been made in such sort as the parties which made the same were able, and as best might please the buyer, without being limited to any certain weight, or to any assize of length or breadth, and were never searched nor sealed with any seal, nor subject to any penalty for the not sealing thereof with any seal, nor any subsidy nor aulnage paid for the same, until of late that certain evil-disposed persons, contrary to the true meaning of the said law, have by colour of a late statute made in the nine and thirtieth year of the reign of the late Queen Elizabeth, intituled, An act against the deceitful stretching and tentering

entering of northern cloth, *undiscovered* to make the said cogware, kendals, carptmeals and coarse cottons, subject to seargh, and have demanded for the same divers several sums of money for the seal of the collector of the subsidy and aulnage, to the great vexation and trouble of the said poor people:

II. Be it therefore enacted by the King's most excellent majesty, with the consent of the lords spiritual and temporal, and the commons, in this present parliament assembled, That from henceforth all cogware, kendals, coarse cottons and carptmeals which are, or hereafter shall be made within the said counties of *Cumberland* and *Westmorland*, or within the said towns and parishes of *Carptmeals*, *Hawkesbed* and *Broughton* in the said county of *Lancaster*, whereof the dozen shall not exceed the rate and price of thirteen shillings and four-pence, shall be made in such sort as may best please the buyer, and shall not be searched nor sealed with any of the King's seals, nor with any other seal, nor any subsidy or aulnage, great or little, paid for the same: (2) But that the owners of such cogwares, kendals, coarse cottons and carptmeals, may freely sell the same not sealed, as they have been accustomed, without forfeiting any thing to the King for the same; any law or statute, or any branch or clause of any law or statute heretofore made to the contrary notwithstanding.

Certain coarse clothes made in the north parts, which shall not be searched nor sealed.

CAP. XVII.

There shall be no burning of ling, heath, &c. in certain counties in summer. EXP.

CAP. XVIII.

An act for the taking, landing and carrying of sea-sand for the bettering of ground, and for the increase of corn and tillage within the counties of Devon and Cornwall.

WHEREAS the sea-sand, by long trial and experience, hath been found to be very profitable for the bettering of land, and especially for the increase of corn and tillage within the counties of Devon and Cornwall, where the most part of the inhabitants have not commonly used any other worth, for the bettering of their arable grounds and pastures: Notwithstanding divers having lands adjoining to the sea-coasts there, have of late interrupted the bargemen, and such others as have used at their free wills and pleasures to fetch the said sea-sand, to take the same under the full sea-mark, as they have heretofore used to do, unless they make composition with them at such rates as they themselves set down, though they have very small or no damage or loss thereby, to the great decay and hindervance of husbandry and tillage within the said counties: (2) be it therefore enacted by the King's most excellent majesty, the lords spiritual and temporal, and the commons in this present parliament assembled, and by the authority of the same, That it shall and may be lawful to and for all persons whatsoever, resident and dwelling within the said counties of *Devon* and *Cornwall*, to fetch and take sea-sand at all places under the full sea-mark, where the same is

All persons within Devon and Cornwall may fetch sea-sand for the manuring of their land. Sea-sand is profitable for the bettering of land.

or shall be cast by the sea, for the bettering of their land, and for the increase of corn and tillage, at their wills and pleasures.

II. And that it shall and may be also lawful to and for all bargemen and boatmen, and all other carriers of sea-sand of the said counties, that shall fetch or take sand as aforesaid, to land and cast out of their boats and barges such sand as they shall so fetch or take, at such places as sand hath at any time within the space of fifty years last past been used by such bargemen and boatmen to be landed and cast, and also to fetch and carry the same by and through such ways as now be, and by the space of twenty years last past have been, used for the carrying and fetching thereof, paying for the taking, casting out and landing of every barge-load, boat-load or sack of the said sand, upon the grounds of any man, such duties as heretofore within the said time of fifty years have been used and accustomed to be paid for the same, and for passage by and through the said ways, such duties as have usually been paid by the said space of twenty years, and in such manner and form as the same within the said several times have respectively been used and accustomed to be paid: (2) And in such places where certain usual duties have not been paid, but uncertain compositions have from time to time been made by agreement with the owners of the soil there, to yield such reasonable compositions as by agreement with the said owners shall from time to time be made.

The continuance of this act.

III. This act to continue until the end of the first session of the next parliament. 3 Car. 1. c. 4. *Continued unto the end of the first session of the next parliament, and farther continued by 16 Car. 1. c. 4.*

CAP. XIX.

This act is not on the roll. An act for the continuance and reparation of a new-built weare upon the river of Exe, near unto the city of Exeter. The new weare shall be maintained, and recompence shall be made to losers thereby.

CAP. XX.

An act for the speedy recovery of many thousand acres of marsh ground, and other ground within the counties of Norfolk and Suffolk, lately surrounded by the rage of the sea in divers parts of the said counties, and for the prevention of the danger of the like surrounding hereafter. Whereas the sea hath broken into the county of Norfolk, and hath surrounded much hard grounds, besides the greatest part of the marshes and low grounds within the towns and parishes hereafter mentioned, that is to say, the towns and parishes of Waxtonesham, Palling, Eccles, Hempsted, Ingham, Hickling, Horsey, Potter, Higham, Catfield, Ludham, Wintertop, East-Somerton, West-Somerton, Martham, Baltwicke, Repps, Thurne, Oby, Clippesby, Bilockby, Wood, Bastickhorning, Ranworth, South-Walsham, Upton, Fithley, Acle, Caistor St. Edmunds, Caistor-Maltbey, Rimham, Hertingby-Borough, Stockby, Buxton, Horstead, Wroxham, Sallowes, Holton, Below, Coltsel, Hobbins, Lammias, Netilhead, Barton, Sutton, Stalham, Tunstet, Halvergate, Wickhampton, Thorpe, Redham, Limpenhaw, Cantley, Hassingham, Buckenham Ferry, Strumfrel, Brundel, Postwick Thorpe *juxta* Norwich, Turliton, Norton, Hardley, Langley, Carleton, Claxton, Rockland, Burlingham, Bramerton, Wicklingham, Trowse, Carrow, Haddestow, Whiteacre Borough, Whiteacre Abbey, Gellingham, in the said county of Norfolk: And Gorleston, Gapton, Bradwell, Borough-Castle, Berkleffe,

Berklesse, Batham, Worlingham, Belton, Fretton, St. Toolies, alias St. Olives, Herringfleet, Somerley-Town, Shepton, Owlton, Kirkley and Barkley, in the said county of Suffolk: For remedy of so great calamity, it is enacted, That the lord chancellor shall from time to time award commissions under the great seal to the lord bishop of Norwich, and to any eleven or more justices of the peace of Norfolk, and six or more justices of the peace of Suffolk, after such tenor as hereafter followeth, that is to say; —

REX &c. *Reverendo in Christo Patri A. episcopo Norwicensi, nec non A. B. C. D. salutem. SCIATIS, quod assignavimus vos & quolibet sex, sive plures vestrum, ad omnia & singula super-* The form of the commission.
videnda, perlustranda, mandanda, facienda, performanda, exequenda & peragenda, in quodam actu in parlamento Domini JACOBI, Dei Gratia, Regis Angliæ, &c. nono die Februarii anno Regni sui Angliæ, Franciæ & Hiberniæ septimo, & Scotiæ quadragesimo tertio, per diversas prorogationes apud Westmonasterium tento, edito, intitulado, An act for the speedy recovery of many thousand acres of marsh-grounds, and other grounds within the counties of Norfolk and Suffolk, lately surrounded by the sea in divers parts of the said counties, and for the prevention of the danger of like surrounding hereafter, Specificata secundum tenorem, vim, formam, effectum & veram intentionem ejusdem actus: In cujus rei testimonium, &c. Teste, &c.

The commissioners to enquire by whose default the overflowings happened, and who ought to repair them. To tax the persons and lands chargeable. The commissioners may authorize others to levy the money assessed. Imprisonment for default of distress. If the lessee of the land charged do pay the sum taxed, he may abate of the rent. The commissioners may make orders for the preservation of the grounds, and amend the same. The commissioners may assess the King's farmers of any lands to be contributory. The commissioners decrees shall bind the King and all other persons lands. In what case the commissioners may sell or let to farm the land of the party taxed. The sheriffs of Norfolk and Suffolk shall return juries before the commissioners. All sheriffs and officers shall attend and aid the commissioners. — *To continue seven years next ensuing the end of this session, and from thence to the end of the first session of the then next parliament. 3 Car. 1. c. 4. Continued until the end of the next session of parliament, and farther continued by 16 Car. 1. c. 4.*

C A P. XXI.

An act for confirmation of decrees hereafter to be made in the exchequer-chamber, and duchy-court, concerning copyhold lands and tenements. — Certain of the King's copyholders estates shall be confirmed by decree. Decrees made concerning the King's copyhold tenants confirmed by parliament. A saving of the rights and actions of others.

C A P. XXII.

A confirmation of a subsidy granted by the clergy to the King. EXP.

C A P. XXIII.

One subsidy and one fifteen granted to the King by the temporalty. EXP.

C A P. XXIV.

A confirmation of the King's general and free pardon, except, &c.
 EXP.

Anno decima octavo JACOBI Regis.

CAP. I.

Three intire subsidies granted by the spirituality. EXP.

CAP. II.

Two intire subsidies granted by the temporality. EXP.

Anno Regni JACOBI Regis Angliæ, Scotiæ, Franciæ & Hiberniæ, viz. Angliæ, Franciæ & Hiberniæ vicesimo primo, & Scotiæ quinquagesimo septimo.

AT the parliament begun and bolden at Westminster the ninetieth day of February in the one and twentieth year of the reign of our most gracious sovereign lord James, by the grace of God, of England, France and Ireland, King, defender of the faith, &c. and of Scotland the seven and fiftieth: And there continued until the nine and twentieth day of May following: And then prorogued until the second day of November one thousand six hundred twenty-four; To the high pleasure of Almighty God, and to the weal publick of this realm, were enacted as followeth.

CAP. I.

An act for the reviving and making perpetual of one act made in the nine and thirtieth year of the late Queen Elizabeth, intituled, An act for erecting of hospitals, and abiding and working houses for the poor.

The statute of 39 Eliz. c. 5. made perpetual.

WHEREAS in the parliament held in the nine and thirtieth year of the reign of the late Queen Elizabeth of happy memory, a good law was made, intituled, An act for erecting of hospitals, or abiding and working houses for the poor; but the power, licence and authority given by the said statute, to erect, found and establish such houses and abiding-places, as are therein mentioned, was confined to the space of twenty years then next ensuing, which said time is now expired:

II. Be it therefore enacted by the authority of this present parliament, That the said act and all things therein contained, shall from henceforth be revived and made perpetual, to have continuance for ever.

The erection of all hospitals, &c. since the expiration of 39 Eliz. c. 5. confirmed.

III. And be it also enacted, That all hospitals *Maisons de Dieu*, and abiding-places for poor, lame, maimed and impotent people, or for houses of correction, at any time since the said twenty years expired erected, founded or made, or at any time

time hereafter to be erected, founded or made, according to the purport of the ſaid ſtatute, ſhall be incorporated, and have perpetual ſucceſſion and capacity, to have, take and enjoy all other privileges, benefits and immunities, to all intents and purpoſes, according to the provisions, tenor, purport and true meaning of the ſaid act, as if the ſame had been made, founded or endowed within the ſpace of twenty years next enſuing the ſaid ſtatute. 43 Eliz. c. 4.

C A P. II.

An act for the general quiet of the ſubjects againſt all pretences of concealment whatſoever.

THE King's moſt excellent majeſty, of his bleſſed and gracious diſpoſition, and abundant grace, deſiring that his loving ſubjects, and their heirs and ſucceſſors, may quietly have and hold all and ſingular manors, lands, tenements and hereditaments, which they, their anceſtors or predeceſſors, or any other by, from or under whom they claim, have of long time enjoyed, is graciously pleaſed that it be enacted; (2) and be it enacted by the King's moſt excellent majeſty, by and with the aſſent and conſent of the lords ſpiritual and temporal, and the commons, in this preſent parliament aſſembled, and by the authority of the ſame, That the King's majeſty, his heirs and ſucceſſors, ſhall not at any time hereafter ſue, impeach, queſtion or implead any perſon or perſons, bodies politick or corporate, for or in any wiſe concerning any manors, lands, tenements, rents, tiſhes or hereditaments, other than liberties and franchises, or for or in any wiſe concerning the revenues, iſſues or profits thereof, or make any title, claim, challenge or demand, of, in or to the ſame, or any of them, by reaſon of any right or title accrued and grown threeſcore years paſt and more, and now *in eſſe*, unleſs his Majeſty or ſome of his progenitors, predeceſſors or anceſtors, or ſome other perſon or perſons, bodies politick or corporate, under whom his Majeſty any thing hath or lawfully claimeth, have been answered by force and virtue of any ſuch right or title to the ſame, the rents, revenues, iſſues or profits thereof, within threeſcore years next before the beginning of this preſent ſeſſion of parliament, or that the ſame have been duly in charge to his Majeſty, or the late Queen *Elizabeth*, or have ſtood *inſuper* of record within the ſaid ſpace of threeſcore years: (3) And that every perſon or perſons, bodies politick and corporate, their heirs and ſucceſſors, and all claiming by, from or under them or any of them, for and according to their and every of their ſeveral eſtates and intereſts, which they have or claim to have in the ſame reſpectively, ſhall hereafter quietly and freely have, hold and enjoy, againſt his Majeſty, his heirs and ſucceſſors, claiming by any title accrued or grown threeſcore years paſt or above, and now *in eſſe*, all and ſingular manors, lands, tenements, rents, tiſhes and hereditaments whatſoever, except liberties and franchises, which he or they,

Concealed lands ſhall not be recovered, unleſs it may be proved that the King had title unto them within ſixty years before this parliament. 3 Inſt. 188.

or his or their, or any of their ancestors or predecessors, or those from, by or under whom they claim, have held or enjoyed, or taken the rents, revenues, issues or profits thereof, by the space of threescore years next before the beginning of this present session of parliament, unless his Majesty, or some of his progenitors, predecessors or ancestors, or some other person or persons, bodies politick or corporate, by, from or under whom his Majesty any thing hath or lawfully claimeth in the said manors, lands, tenements, rents, tithes or hereditaments, by force of any right or title, have been answered by virtue of any such right or title, the rents, revenues, issues or other profits thereof, within threescore years next before the beginning of this present session of parliament, or that the same have been duly in charge, or stood *in super* of record as aforesaid, within the said space of threescore years: (4) And furthermore, that every person and persons, bodies politick and corporate, their heirs and successors, and all claiming by, from or under them, or any of them, for and according to their and every of their several estates and interests which they have or claim respectively, shall quietly and freely have, hold and enjoy all such manors, lands, tenements, rents, tithes and hereditaments, except liberties and franchises, as they now have, claim or enjoy, (whereof his Majesty, his progenitors, predecessors or ancestors, or he or they, by, from or under whom his Majesty any thing hath or lawfully claimeth, or some of them, by force of some right or title to the same, have not been answered by virtue of such right or title, the rents, revenues, issues or profits thereof, within threescore years next before the beginning of this present session of parliament :) Nor the same have been duly in charge, or stood *in super* of record as aforesaid, within the said space of threescore years, against all and every person and persons, their heirs and assigns, having, claiming or pretending to have any estate, right, title, interest, claim or demand whatsoever, of, in or to the same, by force or colour of any letters patents or grants upon suggestion of concealment, or wrongful detaining, or not being in charge, or defective titles, or by, from or under any patentees or grantees, or any letters patents or grants upon suggestion of concealment, or wrongful detaining, or not being in charge, or defective titles, of or for which said manors, lands, tenements, rents, tithes and hereditaments, or any of them, no verdict, judgment, decree, judicial order upon hearing, or sentence now standing in force, hath been had or given in any action, bill, plaint or information, in any of his Majesty's courts at *Westminster*, for or in the name of the King's majesty, or of the late Queen *Elizabeth*, or for any of the said patentees or grantees, or for their or any of their heirs or assigns, within threescore years next before the beginning of this present session of parliament.

This act shall not impeach the King's title to any reversion or remainder,

II. Provided always, That this act, or any thing therein contained, shall not extend to bar, impeach or hinder his Majesty, his heirs or successors, of, for or from any manors, lands, tenements, rents, tithes or hereditaments, whereof any reversion

reversion or remainder now is in his Majesty, for or concerning the said reversion or remainder; (2) nor of, for or from any reversion or remainder, or possibility of reversion or remainder in any of his Majesty's progenitors, or predecessors or ancestors, which by the expiration, end or other determination of any limited estate of fee-simple, or of any fee-tail or other particular estate, hath or ought to have fallen or become in possession within the space of threescore years next before the beginning of this present session of parliament: (3) Nor of, for or from any right or title first accrued or grown to his Majesty, or any of his progenitors, predecessors or ancestors, of, in or to any manors, lands, tenements, rents, tithes or hereditaments, within the space of threescore years next before the beginning of this present session of parliament and not before.

III. Provided also, and be it enacted by authority of this present parliament, That this act or any thing therein contained shall not extend to any manors, lands, tenements, rents, tithes or hereditaments mentioned to be granted or conveyed by any of his Majesty's progenitors, predecessors or ancestors, or by any other under whom his Majesty claimeth, to any person or persons, of any limited estate in fee-simple, or of any estate in tail or other particular estate, which several estates (if the same had been good and effectual in law) have or ought to have fallen or become in possession within threescore years next before the beginning of this present session of parliament, nor to any manors, lands, tenements, rents, tithes or hereditaments mentioned to be granted or conveyed by any of his Majesty's progenitors, predecessors or ancestors, or by any other under whom his Majesty claimeth, to any person or persons, in fee-tail, or other particular estate, whereof the reversion or inheritance (if such estate-tail or other particular estate had been good and effectual in law) should have been and continued in his Majesty, the first day of this present session of parliament.

IV. Provided also, and be it enacted by the authority of this present parliament, That all and singular the said manors, lands, tenements and hereditaments shall be holden of his Majesty, his heirs and successors, and of other person and persons, bodies politick and corporate, their heirs and successors respectively, by the same tenures, services, fee-farms, chief-rents, herriots and other duties, to all intents and purposes, as the same should or ought of right to have been holden, if the estates, rights and interests established and made sure by this present act had been before the making of this act firm, good and effectual in law: (2) Saving to every person and persons, bodies politick and corporate, their heirs and successors, (other than his most excellent Majesty, his heirs and successors, and other than all patentees or grantees of concealments or defective titles, and all and every person or persons claiming from, by or under them or any of them, for, in respect, or by reason of any such patents or grants of concealments or defective titles) all such rights, title, interest, estate, rents, com-

This act shall not extend to alter the tenures or services of lands.

The right of others saved.
1 Mod. 279.

mons,

mons, customs, duties, profits and other claims and demands whatsoever, in, to or out of the said manors, lands, tenements, tithes or hereditaments; as they or any of them had or ought to have had before the making of this act; any thing in this act to the contrary notwithstanding.

It shall not extend to annul the custom of two-pence paid for sea-coal at Newcastle.

V. Provided always, That this act, nor any thing therein contained, shall extend to debar his Majesty, his heirs or successors, of or from such claim and demand as his Majesty hath made; or may rightfully make, unto a certain duty or custom of two-pence upon a chaldron of sea-coal, to be paid in the port of the town of *Newcastle upon Tyne*, with the members thereof, but that the same shall be and remain in such sort and degree as if this act had never been had or made.

All rents answered within sixty years, confirmed.

VI. Provided also, and be it enacted, That where any fee-farm, rent, or other rent or rents, have been answered and paid to the King's majesty, or to any his predecessors, by the more part of threescore years last past, out of any manors, lands, tenements or hereditaments, of which manors, lands, tenements or hereditaments, the estates, rights or interests being defective, are established and made sure by this present act; That the King's majesty, his heirs and successors, shall from henceforth for ever have, hold and enjoy the said rents and arrearages thereof, in such manner and form, and as fully and amply, as the same were enjoyed by the more part of threescore years last past before the beginning of this session of parliament.

The King's title required by this act to be within sixty years, ought to accrue upon a verdict or demurrer, &c. and not upon a bare putting in charge or standing *in-super*.

VII. Provided always, and be it enacted by the authority of this present parliament; That no putting in charge, nor standing *in-super*, nor taking or answering the farm-rents, revenues or profits of any of the said lands, tenements or hereditaments, by force, colour or pretext of any letters patents, or grants of concealments; or defective titles, or of lands, tenements or hereditaments out of charge, or by force, colour or pretext of any inquisitions, presentments; by or by reason of any commission, or other authority to find out concealments, defective titles, or lands, tenements or hereditaments out of charge, shall be deemed; construed or taken to be a putting in charge, standing *in-super*, or taking or answering the farm-rents, revenues or profits, by or to his Majesty, or any of his progenitors or predecessors, unless thereupon such lands, tenements or hereditaments, have been upon any information or suit, on the behalf of his Majesty, or of any his progenitors or predecessors, upon a lawful verdict given, or demurrer in law adjudged, or upon a hearing ordered or decreed for his Majesty, or any of his progenitors or predecessors, or of any of them within the said space of threescore years.

This act shall not extend to land for which composition is or shall be made before

VIII. Provided always, and be it enacted, That this act, or any thing therein contained, shall not extend, or be prejudicial to his Majesty, for or concerning any manors, lands, tenements or hereditaments, for which any composition is, or before the end of this session of parliament, shall be made with

his

his Majesty's commissioners for defective titles, and the monies the end of this
by such compositions payable to his Majesty not paid before the parliament.
end of this session of parliament, unless the said monies shall be
paid; and his Majesty's letters patents procured according to the
true intent of such compositions, within three months after the
end of this session of parliament.

CAP. III.

*An act concerning monopolies and dispensations with penal
laws and the forfeitures thereof.*

FOrasmuch as your most excellent Majesty, in your royal judgment; *Monopolies, &c. contrary to the laws of the realm.*
and of your blessed disposition to the weal and quiet of your sub-
jects, did in the year of our Lord God one thousand six hundred and
ten, publish in print to the whole realm, and to all posterity, That all
grants and monopolies, and of the benefit of any penal laws, or of
power to dispence with the law, or to compound for the forfeiture,
are contrary to your Majesty's laws, which your Majesty's declaration
is truly consonant and agreeable to the ancient and fundamental laws
of this your realm: (1) And whereas your Majesty was farther gra-
ciously pleased, expressly to command, that no suitor should presume to
move your Majesty for matters of that nature; (2) yet nevertheless
upon misinformations, and untrue pretences of publick good, many
such grants have been unduly obtained, and unlawfully put in execu-
tion, to the great grievance and inconvenience of your Majesty's sub-
jects, contrary to the laws of this your realm, and contrary to your
Majesty's most royal and blessed intention so published as aforesaid:
(3) For avoiding whereof, and preventing of the like in time
to come, may it please your excellent Majesty, at the humble
suit of the lords spiritual and temporal, and the commons, in
this present parliament assembled, That it may be declared
and enacted; (4) and be it declared and enacted by authority
of this present parliament, That all monopolies, and all com-
missions, grants, licences, charters and letters patents hereto-
fore made or granted, or hereafter to be made or granted, to
any person or persons, bodies politick or corporate whatsoever,
of or for the sole buying, selling, making, working or using
of any thing within this realm, or the dominion of Wales, (5)
or of any other monopolies, or of power, liberty or faculty,
to dispense with any others, or to give licence or toleration to
do, use or exercise any thing against the tenor or purport of any
law or statute; (6) or to give or make any warrant for any
such dispensation, licence or toleration to be had or made; or
to agree or compound with any others for any penalty or for-
feitures limited by any statute; or of any grant or promise of
the benefit, profit or commodity of any forfeiture, penalty or
sum of money, that is or shall be due by any statute, before
judgment thereupon had; (7) and all proclamations, inhibi-
tions, restraints, warrants of assistance, and all other matters
and things whatsoever, any way tending to the instituting,
erecting, strengthening, furthering or countenancing of the same
or

Stiles 214.
3 Inst. 181,
182, 183.

3 Mod. 111.

or any of them; (9) are altogether contrary to the laws of this realm, and so are and shall be utterly void and of none effect, and in no wise to be put in ure or execution.

Monopolies,
&c. shall be
tried by the
common laws
of this realm.

II. And be it further declared and enacted by the authority aforesaid, That all monopolies, and all such commissions, grants, licences, charters, letters patents, proclamations, inhibitions, restraints, warrants of assistance, and all other matters and things tending as aforesaid, and the force and validity of them and of every of them, ought to be and shall be for ever hereafter examined, heard, tried and determined by and according to the common laws of this realm, and not otherwise.

All persons
disabled to use
monopolies,
&c.

III. And be it further enacted by the authority aforesaid, That all person and persons, bodies politick and corporate whatsoever, which now are or hereafter shall be, shall stand and be disabled and incapable to have, use, exercise or put in ure any monopoly, or any such commission, grant, licence, charter, letters patents, proclamation, inhibition, restraint, warrant of assistance, or other matter or thing tending as aforesaid, or any liberty, power or faculty, grounded or pretended to be grounded upon them or any of them.

The party
grieved by
pretext of a
monopoly, &c.
shall recover
treble dama-
ges and double
costs.

IV. And be it further enacted by the authority aforesaid, That if any person or persons at any time after the end of forty days next after the end of this present session of parliament, shall be hindered, grieved, disturbed or disquieted, or his or their goods or chattels any way seized, attached, distrained, taken, carried away or detained, by occasion or pretext of any monopoly, or of any such commission, grant, licence, power, liberty, faculty, letters patents, proclamation, inhibition, restraint, warrant of assistance, or other matter or thing tending as aforesaid, and will sue to be relieved in or for any of the premises; that then and in every such case, the same person and persons shall and may have his and their remedy for the same at the common law, by any action or actions to be grounded upon this statute; the same action and actions to be heard and determined in the courts of King's bench, common pleas and exchequer or in any of them, against him or them by whom he or they shall be so hindered, grieved, disturbed or disquieted, or against him or them by whom his or their goods or chattels shall be so seized, attached, distrained, taken, carried away or detained; (2) wherein all and every such person and persons which shall be so hindered, grieved, disturbed or disquieted, or whose goods or chattels shall be so seized, attached, distrained, taken, carried away or detained, shall recover three times so much as the damages which he or they sustained by means or occasion of being so hindered, grieved, disturbed or disquieted, or by means of having his or their goods or chattels seized, attached, distrained, taken, carried away or detained, and double costs; (3) and in such suits, or for the staying or delaying thereof, no esoin, protection, wager of law, aid prayer, privilege, injunction or order of restraint, shall be in any wise prayed

prayed, granted, admitted or allowed; nor any more than one imparlance: (4) And if any person or persons shall, after notice given, that the action depending is grounded upon this statute, cause or procure any action at the common law, grounded upon this statute, to be stayed or delayed before judgment, by colour or means of any order, warrant, power or authority, save only of the court wherein such action as aforesaid shall be brought and depending, or after judgment had upon such action, shall cause or procure the execution of or upon any such judgment to be stayed or delayed by colour or means of any order, warrant, power or authority, save only by writ of error or attain; that then the said person and persons so offending shall incur and sustain the pains, penalties and forfeitures, ordained and provided by the statute of provision and *præmunire* made in the sixteenth year of the reign of King Richard the Second. He that delayeth an action grounded upon this statute incurs a præmunire.

V. Provided nevertheless, and be it declared and enacted, That any declaration before mentioned shall not extend to any letters patents and grants of privilege for the term of one and twenty years or under, heretofore made, of the sole working or making of any manner of new manufacture within this realm, to the first and true inventor or inventors of such manufactures, which others at the time of the making of such letters patents and grants did not use, so they be not contrary to the law, nor mischievous to the state, by raising of the prices of commodities at home, or hurt of trade, or generally inconvenient, but that the same shall be of such force as they were or should be, if this act had not been made, and of none other: (2) And if the same were made for more than one and twenty years, That then the same for the term of one and twenty years only, to be accounted from the date of the first letters patents and grants thereof made, shall be of such force as they were or should have been, if the same had been made but for term of one and twenty years only, and as if this act had never been had or made, and of none other. Letters patents to use new manufactures, saved.

VI. Provided also, and be it declared and enacted, That any declaration before mentioned shall not extend to any letters patents and grants of privilege for the term of fourteen years or under, hereafter to be made, of the sole working or making of any manner of new manufactures within this realm, to the true and first inventor and inventors of such manufactures, which others at the time of making such letters patents and grants shall not use, so as also they be not contrary to the law, nor mischievous to the state, by raising prices of commodities at home, or hurt of trade, or generally inconvenient: The said fourteen years to be accounted from the date of the first letters patents, or grant of such privilege hereafter to be made, but that the same shall be of such force as they should be, if this act had never been made, and of none other.

VII. Provided also, and it is hereby further intended, declared and enacted by authority aforesaid, That this act or any thing Grants confirmed by act of parliament, saved.

thing therein contained shall not in any wise extend, or be prejudicial to any grant or privilege, power or authority whatsoever heretofore made, granted, allowed or continued by any act of parliament now in force, so long as the same shall be continue in force.

Warrants
granted to
justices, saved.

VIII. Provided also, That this act shall not extend to any warrant or privy seal, made or directed or to be made or directed by his Majesty, his heirs or successors, to the justices of the courts of the King's bench or common pleas, and barons of the exchequer, justices of assize, justices of *oyer and terminer* and gaol-delivery, justices of the peace, and other justices for the time being, having power to hear and determine offences done against any penal statute, to compound for the forfeitures of any penal statute, depending in suit and question before them or any of them respectively, after plea pleaded by the party defendant.

Charters
granted to
corporations,
saved.
3 Inst. 185

IX. Provided also, and it is hereby further intended, declared and enacted, That this act or any thing therein contained shall not in any wise extend or be prejudicial unto the city of *London*, or to any city, borough or town corporate within this realm, for or concerning any grants, charters or letters patents, to them or any of them made or granted, or for or concerning any custom or customs used by or within them or any of them; (2) or unto any corporations, companies or fellowships of any art, trade, occupation or mystery, or to any companies or societies of merchants within this realm, erected for the maintenance, enlargement, or ordering of any trade of merchandize; (3) but that the same charters, customs, corporations, companies, fellowships and societies and their liberties, privileges, powers and immunities, shall be and continue of such force and effect as they were before the making of this act, and of none other; any thing before in this act contained to the contrary in any wise notwithstanding.

Letters pa-
tents that con-
cern printing,
salt-petre,
gunpowder,
great ord-
nance, shot, or
offices, saved.

X. Provided also, and be it enacted, That this act, or any declaration, provision, disablement, penalty, forfeiture, or other thing before mentioned, shall not extend to any letters patents or grants of privilege heretofore made, or hereafter to be made, of, for or concerning printing, (2) nor to any commission, grant or letters patents heretofore made, or hereafter to be made, of, for or concerning the digging, making or compounding of salt-petre or gunpowder, or the casting or making of ordnance, or shot for ordnance, (3) nor to any grant or letters patents heretofore made, or hereafter to be made, of any office or offices heretofore erected, made or ordained, and now in being, and put in execution, other than such offices as have been decreed by any his Majesty's proclamation or proclamations: (4) But that all and every the same grants, commissions and letters patents, and all other matters and things tending to the maintaining, strengthening and furtherance of the same, or any of them, shall be and remain of the like force and effect, and no other, and as free from the declarations, provisions, penalties and

and forfeitures contained in this act, as if this act had never been had nor made, and not otherwise.

XI. Provided also, and be it enacted, That this act, or any declaration, provision, disablement, penalty, forfeiture, or other thing before-mentioned, shall not extend to any commission, grant, letters patents or privilege heretofore made, or hereafter to be made, of, for or concerning the digging, compounding or making of allum or allum mines, but that all and every the same commissions, grants, letters patents and privileges shall be and remain of the like force and effect, and no other, and as free from the declarations, provisions, penalties and forfeitures contained in this act, as if this act had never been had nor made, and not otherwise.

This act shall not extend to commissions for allum mines;

XII. Provided also, and be it enacted, That this act, or any declaration, provision, penalty, forfeiture, or other thing before-mentioned, shall not extend or be prejudicial to any use, custom, prescription, franchise, freedom, jurisdiction, immunity, liberty, or privilege, heretofore claimed, used or enjoyed by the governors and stewards, and brethren of the fellowship of the hoast-men of the town of *Newcastle upon Tyne*, or by the ancient fellowship, guild or fraternity, commonly called hoast-men, (2) for or concerning the selling, carrying, lading, disposing, shipping, venting or trading of or for any sea-coals, stone-coals or pit-coals, forth or out of the haven and river of *Tyne*; or to any grant made by the said governor and stewards, and brethren of the fellowship of the said hoast-men, to the late *Queen Elizabeth*, of any duty or sum of money to be paid for or in respect of any such coals as aforesaid; (3) nor to any grants, letters patents or commission, heretofore granted, or hereafter to be granted, of, for or concerning the licencing of the keeping of any tavern or taverns, or selling, uttering or retailing of wines to be drunk or spent in the mansion house or houses, or other place in the tenure or occupation of the party or parties so selling or uttering the same; or for or concerning the making of any compositions for such licences, so as the benefit of such compositions be reserved and applied to and for the use of his Majesty, his heirs or successors, and not to the private use of any other person or persons.

Nor to the liberties of Newcastle upon Tyne, nor to licences of keeping taverns;

XIII. Provided also, and be it enacted, That this act, or any declaration, provision, penalty, forfeiture, or other thing before-mentioned, shall not extend or be prejudicial to a grant or privilege for or concerning the making of glass, by his Majesty's letters patents under the great seal of *England*, bearing date the two and twentieth day of *May* in the one and twentieth year of his Majesty's reign of *England*, made and granted to Sir *Robert Mansel* knight, vice-admiral of *England*: (2) Nor to a grant or letters patents bearing date the twelfth day of *June* in the thirteenth year of his Majesty's reign of *England*, made to *James Maxwell* esquire, concerning the transportation of calves skins: (3) But that the said several letters patents last mentioned

Nor to letters patents granted to Sir Robert Mansel, knt. or to James Maxwell, Esq;

ed ſhall be and remain of the like force and effect, and as free from the declarations, provisions, penalties and forfeitures before-mentioned, as if this act had never been had nor made, and not otherwiſe.

Nor to thoſe
granted to
Abraham
Baker, or
Edward lord
Dudley.

XIV. Provided alſo, and be it declared and enacted, That this act, or any declaration, provision, penalty, forfeiture, or other thing before-mentioned, ſhall not extend or be prejudicial to a grant or privilege for or concerning the making of ſmalt; by his Maſteſty's letters patents under the great ſeal of *England*, bearing date the ſixteenth day of *February* in the ſixteenth year of his Maſteſty's reign of *England*, made or granted to *Abraham Baker*: (2) Nor to a grant or privilege, for or concerning the melting of iron ewer, and of making the ſame into caſt-works or bars with ſea-coals or pit-coals, by his Maſteſty's letters patents under the great ſeal of *England*, bearing date the twentieth day of *February* in the nineteenth year of his Maſteſty's reign of *England*, made or granted to *Edward lord Dudley*; (3) but that the ſame ſeveral letters patents and grants ſhall be and remain of the like force and effect, and as free from the declarations, provisions, penalties and forfeitures before-mentioned, as if this act had never been had nor made, and not otherwiſe.

C A P. IV.

An act for the eaſe of the ſubject, concerning informations upon penal ſtatutes.

Informations
upon penal
ſtatutes ſhall
be proſecuted
in the counties
where the of-
fences were
committed.

4 Inſt. 172.

Style 209, 223,

340, 356, 381,

383. 1 Vent. 8.

3 Inſt. 193.

Latch 192.

Hetley 103.

5 Mod. 223.

Cro. Car. 112,

146, 316.

Jones 193.

Raym. 394.

1 Hale H. P.

C. 297.

WHEREAS the offences againſt divers and ſundry penal laws and ſtatutes of this realm may better, and with more eaſe and leſs charge to the ſubject, be commenced, ſued, informed againſt, proſecuted and tried in the counties where ſuch offences ſhall be committed: (2) And whereas the poor commons of this realm are grievouſly charged, troubled, vexed, moleſted, and diſturbed by divers troubleſome perſons, commonly called relators, informers and promoters, by proſecuting and inſorcing them to appear in his Maſteſty's courts at Weſtminſter, and to answer offences ſuppoſed by them to be committed againſt the ſaid penal laws and ſtatutes, or elſe to compound with them for the ſame: (3) For remedy whereof, be it enacted by the authority of this preſent parliament, That all offences hereafter to be committed againſt any penal ſtatute, for which any common informer or promoter may lawfully ground any popular action, bill, plaint, ſuit or information, before juſtices of aſſize, juſtices of *Niſi prius* or gaol-delivery, juſtices of *oyer* and *terminer*, or juſtices of peace in their general or quarter-ſeſſions, ſhall after the end of this preſent ſeſſion of parliament be commenced, ſued, proſecuted, tried, recovered and determined, by way of action, plaint, bill, information or indictment, before the juſtices of aſſize, juſtices of *Niſi prius*, juſtices of *oyer* and *terminer* and juſtices of gaol-delivery, or before the juſtices of peace of every county, city, borough, or town corporate, and liberty, having power to enquire of,
hear

hear and determine, the same, within this realm of *England*, or dominion of *Wales*, wherein such offences shall be committed, in any of the courts, places of judicature, or liberties aforesaid respectively, only at the choice of the parties which shall or will commence suit or prosecute for the same, and not elsewhere, save only in the said counties, or places usual for those counties, or any of them: (4) And that the like process upon every popular action, bill, plaint, information, or suit, to be commenced, or sued, or prosecuted after the end of this present session of parliament, by force of or according to the purport of this act, be had and awarded, to all intents and purposes, as in an action of trespass, *Vi et Carthew 465.* *armis*, at the common law; (5) and that all and all manner of informations, actions, bills, plaints and suits whatsoever, hereafter to be commenced, sued, prosecuted or awarded, either by the attorney general of his Majesty, his heirs or successors for the time being, or by any officer or officers whatsoever for the time being, or by any common informer or other person whatsoever, in any of his Majesty's courts at *Westminster*, for or concerning any of the offences, penalties or forfeitures aforesaid, shall be void and of none effect; any law, custom, or usage to the contrary thereof notwithstanding.

II. And be it further enacted by the authority aforesaid, That in all informations to be exhibited, and in all bills, counts, plaints and declarations, in any action or suit to be commenced against any person or persons, either by or on the behalf of the King, or any other for or concerning any offence committed or to be committed against any penal statute, the offence shall be laid and alleged to have been committed in the said county where such offence was in truth committed, and not elsewhere: (2) And if the defendant to any such information, action or suit, pleadeth that he oweth nothing, or that he is not guilty; and the plaintiff or informer in such information, action or suit, upon evidence to the jury that shall try such issue, shall not both prove the offence laid in the said information, action or suit, and that the same offence was committed in that county; then the defendant and defendants shall be found not guilty. *Upon default of proving that the offence was committed in the same county, the defendant shall be found not guilty. Carthew 290. 2 Mod. 246. Hutt. 98.*

III. And be it further enacted by the authority aforesaid, That no officer or minister in any court of record shall receive, file or enter of record any information, bill, or plaint, count or declaration, grounded upon the said penal statutes or any of them, which before by this act are appointed to be heard and determined in their proper counties, until the informer or relator hath first taken a corporal oath before some of the judges of that court, that the offence or offences laid in such information, action, suit or plaint, was or were not committed in any other county than where by the said information, bill, plaint, count or declaration, the same is or are supposed to have been committed, and that he believeth in his conscience, the offence *The informer shall make oath that the offence was committed in the same county where the suit is commenced. Salt. 372. 373.*

was committed within a year before the information or suit, within the same county where the said information or suit was committed, the same oath to be there entred of record.

The defendant in an information upon a penal statute may plead the general issue.

IV. And be it also enacted by the authority aforesaid, That if any information, suit or action shall be brought or exhibited against any person or persons, for any offence committed or to be committed against the form of any penal law, either by or on the behalf of the King, or by any other, or on the behalf of the King and any other, it shall be lawful for such defendants to plead the general issue, that they are not guilty, or that they owe nothing, and to give such special matter in evidence to the jury that shall try the same, which matter being pleaded, had been a good and sufficient matter in law to have discharged the said defendant or defendants against the said information, suit or action, and the said matters shall be then as available to him or them, to all intents and purposes, as if he or they had sufficiently pleaded, set forth or alledged the same matter in bar, or discharge of such information, suit or action.

Certain offences excepted.

V. Provided always, That this act, or any clause contained therein, shall not extend to any information, suit or action, grounded upon any law or statute made against popish recusants, or for or concerning popish recusancy, or against those that shall not frequent the church and hear divine service; (2) nor to any information, suit or action, for maintenance, champerty, or buying of titles; (3) nor to any suit or information grounded upon the statute made in the first year of the reign of our sovereign lord the King, of a subsidy granted to the King, of tonnage, poundage, wool, &c. (4) nor for or concerning the concealing or defrauding the King, his heirs or successors, of any custom, tonnage, poundage, subsidy, impost or prisage; (5) or for transporting of gold, silver, ordnance, powder, shot, munition of all sorts, wool, woollens or leather, but that such offence may be laid or alledged to be in any county, at the pleasure of any informer; any thing in this act to the contrary notwithstanding. 18 El. c. 5.

1 Jac. 1. c. 33.

CAP. V.

An act that sheriffs, their heirs, executors and administrators, having a Quietus est, shall be absolutely discharged of their accounts.

A Quietus est granted to a sheriff shall discharge him of all accounts due to the King.

FORASMUCH as divers sheriffs of several counties within this realm of England and dominion of Wales have been of late much troubled and vexed long time after that they have passed their accounts, and had their Quietus est, and charged a-new with arrears, debts and other sums of money pretended to have been by them levied and received, and not formerly accounted for, to the great discouragement of others, to take upon them the said office: (2) be it therefore enacted by the King's most excellent majesty, the lords spiritual and temporal, and commons, in this present parliament

liament assembled, and by the authority of the same, That whensoever any sheriff or sheriffs within this realm of England or dominion of Wales, upon the passing of their accounts, shall have their *Quietus est*, That then and from thenceforth the said sheriff or sheriffs, their heirs, executors and administrators, lands, tenements, goods and chattels, shall be absolutely discharged of all manner of sum or sums of money which he or they shall have so levied or received, and pretended not to be accounted for within the said account whereupon he or they had their *Quietus est*, unless such sheriff or sheriffs shall be called in question for such sum or sums of money pretended to be levied and received, and not accounted for, within the space of four years after the time of their said account and *Quietus est*: (3) and that every officer or minister that shall send out or cause to be sent out any writ or process, or by whose default any writ or process shall be sent out, contrary to this act, shall for every such offence forfeit and pay to the party grieved forty pounds, with his cost and damages; the said sum of forty pounds and the said costs and damages to be recovered by any action of debt, bill, plaint or information, to be brought and prosecuted in the court of the King's bench or the court of the common pleas, at the election of the plaintiff: wherein no privilege, protection, esoin or wager of law shall be allowed to the defendant.

The officer that vexeth the sheriff contrary to this act shall forfeit 40l. Farther provided for by 13 & 14 Car. 2. c. 21. f. 8.

II. And further be it enacted, That every such offender being three times lawfully convicted of any such offence or offences, upon the trial of such action of debt, bill, plaint or information, shall for such his offence or offences contrary to the true meaning of this act, be utterly disabled to be or continue in any office or employment in the said court of exchequer or in any other court of justice whatsoever.

For the third offence shall be disabled to continue in any office.

CAP. VI.

An act concerning women convicted of small felonies.

WHEREAS by the laws of this realm the benefit of clergy is not allowed to women convicted of felony, by reason whereof many women do suffer death for small causes; (2) be it enacted by the authority of this present parliament, That any woman being lawfully convicted by her confession or by the verdict of twelve men, of or for the felonious taking of any money, goods or chattels, above the value of twelve-pence, and under the value of ten shillings, or as accessory to any such offence, the said offence being no burglary nor robbery in or near the highway, nor the felonious taking of any money, goods or chattels, from the person of any man or woman privily, without his or their knowledge, but only such an offence, as in the like case a man might have his clergy, shall for the first offence be branded and marked in the hand, upon the brawn of the left thumb with a hot burning iron, having a roman T upon the said iron: The said mark to be made by the gaoler openly in the court before the judge; (3) and also to be further punished by imprisonment,

For felony, where clergy is allowed to the man, the woman shall be burned in the hand.

ment, whipping, ſtocking or ſending to the houſe of correction, in ſuch ſort, manner and form, and for ſo long time (not exceeding the ſpace of one whole year) as the judge, judges or other juſtices before whom the ſhall be ſo convicted, or which ſhall have authority in the cauſe, ſhall in their diſcretion think meet, according to the quality of the offence, and then to be delivered out of priſon for that offence; any law, cuſtom or uſage to the contrary notwithstanding. (4) This act to continue until the end of the firſt ſeſſion of the next parliament. 3 Car. 1. c. 4. *Continued until the end of the firſt ſeſſion of the next parliament, and farther continued by 16 Car. 1. c. 4.*

CAP. VII.

An act for the better repreſſing of drunkenneſs, and reſtraining the inordinate haunting of inns, alehouſes and other victualling-houſes.

The ſtatutes of
3 Jac. 1. c. 9.
4 Jac. 1. c. 5.
made perpetual.

One witneſs
ſhall be ſufficient to convict a man of
tipling and
drunkenneſs.

The oath of
him that confeſſeth the offence ſhall be
a ſufficient
proof againſt
any other.

He that ſtays
tipling in an
inn, &c. ſhall
incur the penalty
inſlicted
by 4 Jac. 1. c. 5.

WHEREAS one ſtatute, intituled, An act to reſtrain the inordinate haunting of tipling in inns, alehouſes and other victualling-houſes, made in the firſt year of his Highneſs happy reign of England, and another ſtatute, intituled, An act to repreſs the odious and loathſome ſin of drunkenneſs, made in the fourth year of his Highneſs reign of England, were made to continue to the end of the firſt ſeſſion of the next parliament, and by experience have been found good and neceſſary laws; be it therefore enacted, That the ſaid ſtatutes, with the alterations and additions hereafter expreſſed, ſhall be put in due execution and continue for ever: (2) and whereas by the ſaid ſtatutes, proof of two witneſſes is required; be it enacted, That proof of one witneſs from henceforth ſhall be allowed and taken for ſufficient in that behalf: (3) and that the voluntary confeſſion (before any ſuch perſons as by the ſaid act are authorized to miniſter the oath) of any perſon offending either of the ſaid ſtatutes, ſhall ſuffice to convince the perſon ſo offending; (4) after ſuch confeſſion the oath of the party ſo confeſſing ſhall and may be taken, and be a ſufficient proof againſt any other offending at the ſame time.

II. And be it further enacted, That if any other perſon or perſons, whereſoever his or their habitation or abiding be, ſhall at any time hereafter be found upon view, or his own confeſſion, or proof of one witneſs, to be tipling in any inn, alehouſe or victualling-houſe, ſuch perſon or perſons ſhall be from henceforth adjudged and conſtrued to be within the ſaid ſtatutes, as if he or they had inhabited, and dwelt in the city, town corporate, market-town, village or hamlet where the ſaid inn, alehouſe or victualling-houſe is or ſhall be, where he or they ſhall be ſo found, tipling, and ſhall incur the like penalty, and the ſame to be in ſuch ſort levied and diſpoſed, as in the ſaid act is expreſſed concerning ſuch as there inhabit: (2) and the voluntary confeſſion of ſuch perſon or perſons ſo offending, before ſuch as by the ſaid ſtatutes are authorized to miniſter the oath, ſhall ſuffice to convince themſelves; (3) and after ſuch confeſſion, the oath of ſuch perſon or perſons ſo confeſſing, ſhall and

and may be taken by ſuch as by the ſaid act have authority to miniſter an oath, and ſhall be a ſufficient proof againſt any other offending at that time.

III. And be it further enacted, That any juſtice of peace in any county, and any juſtice of peace or other head officer in any city or town corporate, within their limits reſpectively, ſhall from henceforth have power and authority, upon his own view, confeſſion of the party, or proof of one witneſs upon oath beſore him, which he by virtue of this act ſhall have power to adminiſter, to convince any perſon of the offence of drunkenneſs, whereby ſuch perſon ſo convicted ſhall incur the forfeiture of five ſhillings for every ſuch offence, and the ſame to be levied, or the offender otherwiſe puniſhed, as in the ſaid ſtatute is appointed: and for the ſecond offence he ſhall become bound to the good behaviour, as if he had been convicted in open ſeſſions; any thing in the ſaid former ſtatute made in the fourth year of his Maſteſty's reign to the contrary notwithstanding.

He that is convicted of drunkenneſs ſhall forfeit 5s.

For the ſecond offence he ſhall be bound to the good behaviour.

IV. And be it further enacted, That if any perſon being an alehouſe-keeper, or that ſhall at any time hereafter be an alehouſe-keeper, ſhall at any time hereafter be lawfully convicted for any offence againſt any the branches of either of the ſaid two former ſtatutes, according to the alterations and additions therein contained, or againſt the true meaning of this preſent ſtatute; That every perſon ſo convicted ſhall for the ſpace of three years next enſuing the ſaid conviction be utterly diſabled to keep any ſuch alehouſe.

An alehouſe-keeper offending ſhall be diſabled from keeping an alehouſe three years after.

V. And whereas in the ſaid ſtatute made in the fourth year of his ſaid Maſteſty's reign, intituled, An act to repreſs the odious and loathſome ſin of drunkenneſs, *conſtables, churchwardens, headboroughs, tiſhingmen, aleconners and ſidemen are appointed in the oaths incident to their offices, to be likewiſe charged to preſent the offences contrary to the ſaid ſtatute;* (2) be it enacted, That the ſaid oath ſhall always hereafter be alſo enlarged, and extend to preſent all offences done contrary to the ſtatute made in the firſt ſeſſion of parliament held in the firſt year of his Highneſs reign, intituled, *An act to reſtrain the inordinate haunting and ripling in inns and alehouſes, and other victualling-houſes,* with the alterations and additions in this act contained, made in the ſaid fourth year of his ſaid Maſteſty's reign, according to the alterations and additions of the ſame in this act expreſſed. 1 Car. 1. c. 4.

4 Jac. 1. c. 5. Conſtables, &c. ſhall be charged (on their oaths) to preſent the offences committed againſt 1 Jac. 1. c. 9.

C A P. VIII.

An act to prevent and puniſh the abuſes in procuring proceſs and Superſedeas of the peace and good behaviour, out of his Maſteſty's courts at Weſtminſter, and to prevent the abuſes in procuring writs of Certiorari out of the ſaid courts, for the removing of indictments found before juſtices of the peace in their general ſeſſions.

WHEREAS divers turbulent and conteutious perſons, ſome out of malice and others in hope of gain by way of compoſition, do oftentimes

oftentimes upon their corporal oaths peremptorily and corruptly taken, or otherwiſe upon falſe ſuggeſtions and furniſhes, procure proceſſes of the peace or good behaviour out of his Maſteſty's courts of chancery and King's bench, againſt divers of his Maſteſty's quiet ſubjects, whoſe dwellings and abodes are (for the moſt part) in counties far diſtant and remote from the ſaid courts, to their intolerable trouble and vexation, whereas they might upon good cauſe ſhewed receive juſtice at the hands of the juſtices of the peace in the counties where they dwell;

Proceſſes and writs of Superſedeas of the peace, or good behaviour, ſhall not be granted but upon motion in open court. *Certiorarius* ſhall not be allowed, unleſs the indiſtrectee will be bound to pay coſts.

II. For remedy whereof, be it enacted by the authority of this preſent parliament, That all proceſſes of the peace or good behaviour, after the end of this ſeſſion of parliament to be granted or awarded out of the ſame courts or either of them, againſt any perſon or perſons whatſoever, at the ſuit of or by the proſecution of any perſon or perſons whatſoever, ſhall be void and of none effect, unleſs ſuch proceſſes ſhall be ſo granted or awarded, upon motion firſt made before the judge or judges of the ſame courts reſpectively, fitting in open court, and upon declaration in writing, upon their corporal oaths, to be then exhibited unto them, by the parties which ſhall deſire ſuch proceſſes, of the cauſes for which ſuch proceſſes ſhall be granted or awarded, by or out of any the ſaid courts reſpectively, and unleſs that ſuch motion and declaration be mentioned to be made upon the back of the writ; the ſaid writings there to be entred and remain of record: (2) and that if it ſhall afterwards appear unto the ſaid courts or either of them reſpectively, that the cauſes expreſſed in ſuch writings or any of them be untrue; that then the judge or judges of the ſaid courts or either of them reſpectively, ſhall and may award ſuch coſts and damages unto the parties grieved, for their or any of their wrongful vexations in that behalf, as they ſhall think fit: and that the party or parties ſo offending ſhall and may be committed to priſon by ſuch judge or judges, until he or they pay the ſaid coſts and damages. (3) *And whereas divers turbulent and contentious perſons, deſervedly fearing to be bound to the peace or good behaviour by the juſtices of peace of the counties where they dwell, do oftentimes procure themſelves to be bound to the peace or good behaviour in the ſaid courts or one of them, upon inſufficient ſureties, or upon colourable proſecution of ſome perſon or perſons, who will be ready at all times to releaſe them at their own pleaſure; whereupon his Maſteſty's writs of Superſedeas are oftentimes directed to the juſtices of peace and other his Maſteſty's officers, requiring them and every of them ſo forbear to arreſt or impriſon the parties aforeſaid for the cauſes abovesaid; by means whereof the ſaid turbulent and contentious perſons miſdemean themſelves amongſt their neighbours with impunity, to the great offence and diſturbance of their neighbours amongſt whom they conſerve and live, and to the affront of the juſtices of peace, and to the evil example and encouragement of like evil-diſpoſed perſons:*

III. Be it therefore enacted by the authority aforeſaid, That all writs of Superſedeas after the end of this preſent ſeſſion of parliament, to be granted by or out of either of the courts aforeſaid, ſhall be void and of none effect, unleſs ſuch proceſſes

be granted likewise upon motion in open court first made as aforesaid; and upon such sufficient sureties, as shall appear unto the judge or judges of the same court respectively upon oath, to be assessed at five pounds lands, or ten pounds in goods, in the subsidy-book, at the least; (2) which oaths, and the names of such sureties, with the places of their abode, and where they stand so assessed in the subsidy-books, shall be entred and remain of record in the same courts: (3) and unless it shall also first appear unto the said judge or judges, from whom such *superfedeas* is desired, That the process of the peace, or good behaviour, is prosecuted against him or them, desiring such *Superfedeas bona fide*, by some party grieved in that court out of which such *Superfedeas* is desired to be so awarded and directed.

March 27.
pl. 63.

IV. And whereas divers lewd and evil-disposed persons, commonly called common bailers or knights of the post, being base and beggarly persons, do oftentimes procure themselves to be assessed at high rates in the subsidy-books, and sometimes do falsly take upon them the names of other men of good ability, of purpose to enable themselves to be accepted for bail, which persons being of small or no ability or worth, are ready for lucre and gain to become bound by recognizance as sureties for such persons as shall procure themselves to be bound to the peace or good behaviour as aforesaid, by means whereof the judge or judges of the said courts not knowing them, may be easily abused and justice deluded:

V. Be it further enacted by the authority aforesaid, That the judge or judges of the courts aforesaid respectively, or of either of them, upon proof of any the misdemeanors aforesaid, to be committed in the obtaining of the aforesaid writs of *Superfedeas*, or procuring such surety as aforesaid, shall and may likewise punish the false and insufficient sureties and bailers aforesaid, and the procurers thereof, according to their discretions, so as such punishment extend not to the loss of life or member.

False sureties procured for the gaining of writs of *Superfedeas* shall be punished by the judges.

VI. And whereas divers bills of indictments of riot, forcible entry, or of assault and battery, being found before the justices of peace at their quarter-sessions of the peace or otherwise, are oftentimes removed from the counties where such indictments are found, by writs of *Certiorari* unto them directed out of the said courts, by or by the means of the persons so indicted, who well know that few or no persons grieved by such their outrages and misdemeanors whereof they stand so indicted, will undergo the travel or charge of prosecution of such indictments so removed, by bringing the parties so indicted to trial; by means whereof, such offenders for the most part escape unprosecuted and unpunished, and the King loseth the fines which ought and should have been imposed upon them, if such indictments had been prosecuted, and not removed:

VII. Be it therefore enacted, That all such writs of *Certiorari* shall from and after the end of this present session of parliament, be delivered at some quarter-sessions of the peace in open court: (2) and that the parties indicted shall before the allowance of such *Certioraries* become bound unto such person or persons which shall prosecute such bills of indictment against them, in the

Certioraries shall not be allowed unless the indicted will become bound to pay costs.

Farther provisions relating to Certioraries, 13 & 14 Car. 2. c. 6. f. 16. 22 Car. 2. c. 12. f. 4. 5 & 6 W. & M. c. 11.

the ſum of ten pounds, with ſuch ſufficient ſureties as the juſtices of peace at their ſaid quarter-ſeſſions of the peace ſhall think fit, with condition to pay unto the ſaid proſecutors of ſuch bills of indictment, within one month after the conviction of ſuch parties indicted, ſuch reaſonable coſts and damages as the ſaid juſtices of peace of ſuch counties where ſuch bills of indictment ſhall be found, in the ſaid ſeſſions of the peace ſhall aſſeſs or allow : (3) and that in default thereof, it ſhall be lawful for the ſaid juſtices to proceed to trial of ſuch indictments ; any ſuch writs of *Certiorari* to remove the ſame indictments notwithstanding.

CAP. IX.

EXP.

An act for the free trade and traffick of Welch clothes, cottons, frines, linings and plains in and through the kingdom of England and dominion of Wales. The inhabitants of Wales may ſell their clothes freely. Welch clothes may be tranſported. *To continue for ſeven years.*

CAP. X.

An act of repeal of one branch of the ſtatute made in the ſeſſion of parliament bolden by prorogation at Weſtmiſter the twenty-ſecond day of January in the thirty-fourth year of the reign of King Henry the Eighth, intituled, An act for certain ordinances in the King's majeſty's dominion and principality of Wales.

The branch of the ſtatute of 34 & 35 H. 8. c. 26. that concerns the King's power for altering the laws of Wales, repealed. The loyalty and obedience of the Welch.

By a branch contained in the 34 & 35 H. 8. c. 26. the King had power to alter the laws of Wales.

WHEREAS the ſubjects of the country and dominion of Wales have been conſtantly loyal and obedient, and have lived in all dutiful ſubjection to the crown of England : and whereas by an act of parliament made in the four and thirtieth year of the reign of the late King Henry the Eighth, intituled, An act for certain ordinances in the King's majeſty's dominion and principality of Wales, amongſt other things, it is enacted and ordained in theſe words :

II. Item, It is further enacted by the authority aforeſaid, That the King's moſt royal majeſty ſhall and may at all times hereafter from time to time change, add, alter, order, miniſh and reform all manner of things afore-rehearſed, as to his moſt excellent wiſdom and diſcretion ſhall be thought convenient ; (2) and alſo to make laws and ordinances for the common wealth, and good quiet of his ſaid dominion of Wales, and his ſubjects of the ſame, from time to time at his Majeſty's pleaſure ; any thing contained in this act, or in the ſaid act made for the ſhire-ground of Wales, or any other act or acts, thing or things, to the contrary thereof heretofore made in any wiſe notwithstanding : (3) and that all ſuch alterations of the premiſſes or any part thereof, and all ſuch laws and ordinances to be hereafter made, deviſed and publiſhed by authority of this act, by the King's majeſty in writing under his Highneſs great ſeal, ſhall be of as good ſtrength, virtue and effect, as if they had been had and made by authority of parliament :

III. And forasmuch as it is maniſeſt by long experience, That the laws and ſtatutes already ordained for the ſaid country, are in effect and for the moſt part agreeable to the laws and ſtatutes of this his Highneſs kingdom of England, and all and every of the ſame obeyed with great gladneſs : (2) and for that after ſo long a quiet among them, any future

future change or innovation herein would be dangerous, and for the abolition of distinction and difference between the subjects of England and Wales, his most excellent Majesty, tendering the common and constant good of the said country and dominion of Wales, and of their posterity for ever hereafter, is graciously pleased, That it may be enacted by his Majesty with the assent of the lords spiritual and temporal, and the commons, in this present parliament assembled;

IV. And be it enacted by the authority of the same, That the said recited branch of the said act of parliament, and every article, word and sentence in that branch contained, be utterly repealed and made void and of none effect, to all intents, constructions and purposes, as if the said branch had never been made nor contained in the said act: (2) and that the King's majesty, his heirs or successors, shall not by virtue of the said clause or branch in the said act, at any time hereafter alter, change or reform any laws, usage or custom, or make any new laws for or concerning the said dominion or principality of *Wales*;

Arepeal of that branch of 34 and 35 H. 8. c. 26. f. 119.

V. Provided always, and, be it enacted by the authority aforesaid, That all and every clause, article and thing contained in the aforesaid act of parliament, other than the aforesaid branch before recited, shall stand, remain and be in as full force and effect, to all intents, constructions and purposes, as if this present act had never been had or made.

The residue of that statute confirmed.

C A P. XI.

A judgment given in chancery for the revoking and annulling of certain letters patents (granted to Henry Heron for the sole privilege of salting, drying and packing of fish within the counties of Devon and Cornwall) confirmed.

C A P. XII.

An act to enlarge and make perpetual the act made for ease in pleading against troublesome and contentious suits prosecuted against justices of the peace, mayors, constables and certain other his Majesty's officers, for the lawful execution of their office, made in the seventh year of his Majesty's most happy reign.

WHEREAS an act, intituled, An act for ease in pleading against troublesome and contentious suits prosecuted against justices of the peace, mayors, constables, and certain other his Majesty's officers, for the lawful execution of their office, made in the seventh year of his Majesty's most happy reign of England, was made to continue but for seven years, and from thence to the end of the next parliament after the said seven years, which by experience hath since been found to be a good and profitable law:

The statute of 7 Jac. 1. c. 5. enlarged and made perpetual.

II. Be it therefore enacted by the King's most excellent majesty, the lords spiritual and temporal, and the commons, in this present parliament assembled, and by the authority of the same, That the said act shall from and after the end of this present session of parliament be perpetual and have continuance for ever.

III. And be it further enacted by the authority aforesaid, That all church-wardens, and all persons called sworn-men, executing

4 Inst. 174. Churchwardens and over-

feers of the poor shall be comprehend- within the purview of 7 Jac. 1. c. 5.

executing of the office of church-wardens, and all overseers of the poor, and all others which in their aid and assistance, or by their commandment, shall do any thing touching or concerning his or their office or offices, shall hereafter be enabled to receive and have such benefit and help by virtue of the said act, to all intents, constructions and purposes, as if they had been specially named therein.

IV. *And whereas notwithstanding the said statute, the plaintiff is at liberty to lay his action which he shall bring against any justice of peace, or other officer, in any foreign county at his choice, which hath proved very inconvenient unto sundry of the officers and persons aforesaid, that have been impleaded by some contentious and troublesome persons in countries far remote from their places of habitations:*

An action brought against an officer shall be laid in the county where the fact was committed. 1 Inst. 283. Vaughan. 113, 115, 117.

V. Be it therefore further enacted by the authority aforesaid, That if any action, bill, plaint, or suit upon the case, trespass, battery or false imprisonment, shall be brought after the end of this present session of parliament, against any justice of peace, mayor or bailiff of city, or town corporate, headborough, portreave, constable, tithing-man, collector of subsidy or fifteens, churchwardens, and persons called sworn-men, executing the office of churchwarden or overseer of the poor, and their deputies, or any of them, or any other which in their aid and assistance, or by their commandment, shall do any thing touching or concerning his or their office or offices, for or concerning any matter, cause or thing, by them or any of them done by virtue or reason of their or any of their office or offices, that the said action, bill, plaint or suit shall be laid within the county where the trespass or fact shall be done and committed, and not elsewhere; (2) and that it shall be lawful to and for all and every person and persons aforesaid, to plead thereunto the general issue, that he or they are not guilty, and to give such special matter in evidence to the jury which shall try the same, as in or by the said former act is limited or declared: (3) and that if upon the trial of any such action, bill, plaint or suit, the plaintiff or plaintiffs therein shall not prove to the jury which shall try the same, that the trespass, battery, imprisonment, or other fact or cause of his, her, or their such action, bill, plaint or suit was or were had, made, committed or done, within the county wherein such action, bill, plaint or suit shall be laid; that then in every such case, the jury which shall try the same, shall find the defendant and defendants in every such action, bill, plaint or suit, not guilty, without having any regard or respect to any evidence given by the plaintiff or plaintiffs therein, touching the trespass, battery, imprisonment, or other cause for which the same action, bill, plaint or suit, is or shall be brought: (4) and if the verdict shall pass with the defendant or defendants in any such action, bill, plaint or suit, or the plaintiff or plaintiffs therein become nonsuit, or suffer any discontinuance thereof, that in every such case the defendant or defendants shall have such double costs, and all other advantages and remedies, as in and by the said former act is limited, directed or provided.

The defendant shall have double costs.

CAP. XIII.

An act for the further reformation of jeofails.

WHEREAS in the two and thirtieth year of the reign of King Henry the Eighth, of famous memory, a good and profitable law, intituled, An act concerning mispleading, jeofails, and attornies, was made and enacted: (2) and likewise another good and profitable law was made in the eighteenth year of the reign of our late sovereign lady Queen Elizabeth, intituled, An act for reformation of jeofails; (3) by which laws many delays of judgments were prevented, and yet notwithstanding many things have and daily do fall out, not yet provided for, nor remedied by the laws before-mentioned:

II. Be it therefore enacted by the authority of this present parliament, That if any verdict of twelve men or more shall hereafter be given for the plaintiff or demandant, or for the defendant or tenant, bailiff in assize, vouchee, pray in aid, or tenant by receipt, in any action, suit, bill, plaint or demand in any court of record, the judgment thereupon shall not be stayed or reversed by reason of any variance in form only, between the original writ or bill, and the declaration, plaint or demand; (2) or for lack of any averment of any life or lives of any person or persons, so as upon examination the said person be proved to be in life; (3) or by reason that the *venire facias*, *habeas corpus* or *distingas* is awarded to a wrong officer, upon any insufficient suggestion; (4) or by reason the *visne* is in some part misawarded or sued out of more places, or of fewer places, than it ought to be, so as some one place be right named; (5) or by reason that any of the jury which tried the said issue is misnamed, either in the surname or addition, in any of the said writs, or in any return upon any of the said writs, so as upon examination it be proved to be the same man that was meant to be returned; (6) or by reason that there is no return upon any of the said writs, so as a panel of the names of jurors be returned and annexed to the said writ; (7) or for that the sheriff's name or other officer's name having the return thereof, is not set to the return of any such writ, so as upon examination it be proved that the said writ was returned by the sheriff or under-sheriff, or any such other officer; (8) or by reason that the plaintiff in an *ejectioe firmæ*, or in any personal action or suit (being an infant under the age of one and twenty years) did appear by attorney therein and the verdict pass for him; any law, custom or usage to the contrary notwithstanding.

III. Provided always, and be it further enacted, That this act, Certain cases excepted.
or any thing therein contained, shall not extend to any writ, declaration or suit of appeal of felony or murther, (2) nor to any indictment or presentment of felony, murther or treason, nor to any process upon any of them, (3) nor to any writ, bill, action or information upon any popular or penal statute; any thing therein contained to the contrary notwithstanding. 5 Geo. 1.
c. 13.

CAP.

CAP. XIV.

An act to admit the subject to plead the general issue in informations of intrusions brought on the behalf of the King's majesty, and retain his possession till trial.

In informations of intrusion, the subject is allowed to plead the general issue, and to retain possession till trial.
4 Inst. 116.
Dyer 238.

WHERE the King out of his prerogative royal may enforce the subject in informations of intrusion brought against him, to a special pleading of his title; The King's most excellent majesty out of his gracious disposition towards his loving subjects, and at their humble suit being willing to remit a part of his ancient and regal power, is well pleased that it be enacted; (2) and be it enacted by the King's most excellent majesty, the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That whenever the King, his heirs or successors, and such from or under whom the King claimeth, and all others claiming under the same title under which the King claimeth, hath been or shall be out of possession by the space of twenty years, or hath not or shall not have taken the profits of any lands, tenements or hereditaments, within the space of twenty years before any information of intrusion brought or to be brought, to recover the same; that in every such case the defendant or defendants may plead the general issue, if he or they so think fit, and shall not be pressed to plead specially; (3) and that in such cases the defendant or defendants shall retain the possession he or they had at the time of such information exhibited, until the title be tried, found or adjudged for the King.

II. And be it further enacted, That where an information of intrusion may fitly and aptly be brought on the King's behalf, that no *scire facias* shall be brought, whereunto the subject shall be forced to a special pleading, and be deprived of the grace intended by this act. 17 Ed. 2. stat. 1. c. 13.

CAP. XV.

An act to enable judges and justices of the peace to give restitution of possession in certain cases.

4 Inst. 196.
Restitution of possession shall be given, to avoid entries with force, in estates for years, &c.
Latch 183.

BE it enacted by the authority of this present parliament, That such judges, justices or justice of the peace, as by reason of any act or acts of parliament now in force are authorized and enabled, upon enquiry, to give restitution of possession unto tenants of any estate of freehold, of their lands or tenements which shall be entred upon with force, or from them withholden by force, shall by reason of this present act have the like and the same authority and ability from henceforth (upon indictment of such forcible entries, or forcible withholdings before them duly found) to give like restitution of possession unto tenants for term of years, tenants by copy of court-roll, guardians by knights-service, tenants by *cognovit*, statute-merchant and staple, of lands or tenements by them so holden, which shall be entred upon by force, or holden from them by force. 5 R. 2 stat. 1. c. 7. 15 R. 2. c. 2. 8 H. 6. c. 9. 31 El. c. 11.

CAP. XVI.

An act for limitation of actions, and for avoiding of suits in law.

FOR quieting of mens estates, and avoiding of suits, be it enacted by the King's most excellent majesty, the lords spiritual and temporal, and commons, in this present parliament assembled, That all writs of *formedon in descender*, *formedon in remainder*, and *formedon in reverter*, at any time hereafter to be sued or brought, of or for any manors, lands, tenements or hereditaments, whereunto any person or persons now hath or have any title, or cause to have or pursue any such writ, shall be sued and taken within twenty years next after the end of this present session of parliament: and after the said twenty years expired, no such person or persons, or any of their heirs, shall have or maintain any such writ, of or for any of the said manors, lands, tenements or hereditaments; (2) and that all writs of *formedon in descender*, *formedon in remainder*, and *formedon in reverter*, of any manors, lands, tenements, or other hereditaments whatsoever, at any time hereafter to be sued or brought by occasion or means of any title or cause hereafter happening, shall be sued and taken within twenty years next after the title and cause of action first descended or fallen, and at no time after the said twenty years; (3) and that no person or persons that now hath any right or title of entry into any manors, lands, tenements or hereditaments now held from him or them, shall thereinto enter, but within twenty years next after the end of this present session of parliament, or within twenty years next after any other title of entry accrued; (4) and that no person or persons shall at any time hereafter make any entry into any lands, tenements or hereditaments, but within twenty years next after his or their right or title which shall hereafter first descend or accrue to the same; and in default thereof, such persons so not entering, and their heirs, shall be utterly excluded and disabled from such entry after to be made; any former law or statute to the contrary notwithstanding.

II. Provided nevertheless, That if any person or persons, that is or shall be entitled to such writ or writs, or that hath or shall have such right or title of entry, be or shall be at the time of the said right or title first descended, accrued, come or fallen, within the age of one and twenty years, *feme covert*, *non compos mentis*, imprisoned or beyond the seas, that then such person and persons, and his and their heir and heirs, shall or may, notwithstanding the said twenty years be expired, bring his action, or make his entry, as he might have done before this act; (2) so as such person and persons, or his or their heir and heirs, shall within ten years next after his and their full age, discovery, coming of sound mind, enlargement out of prison, or coming into this realm, or death, take benefit of and sue forth the same, and at no time after the said ten years.

Writs of formedon shall be sued within twenty years. March 129. Hetley 87, 141.

2 Salk. 421, 422, 423.

Entry into land, &c. shall be made within twenty years.

For entries to avoid a fine, see 4 Anne, c. 16. s. 16.

Infants, femes covert, &c. excepted.

The limitation of certain perſonal actions. March 155. Stiles 109, 214, 231. Hut. 100. Hetley 140. March 151. Mod. 169. 4 Mod. 105. Carthew 136. Lutw. 160. Saund. 37, 38. Mod. 89, 245. Mod. 212. Mod. 311. Shower 341. Shower 126. Salk 421, 424. Cro. Car. 115, 141, 160, 245, 295, 381, 405, 513, 333. Vern. 456. Vern. 694, 695. Vent. 185. Lev. 245, 283. Salk. 28.

Their limitation after judgment of outlawry reversed.

After judgment or nonſuit in a quare clauſum fregit, the plaintiff is barred to renew the ſuit. Hetley 165.

III. And be it further enacted, That all actions of treſpaſs *quare clauſum fregit*, all actions of treſpaſs, detinue, action ſur trover, and replevin for taking away of goods and cattle, all actions of account, and upon the caſe, other than ſuch accounts as concern the trade of merchandize between merchant and merchant, their factors or ſervants, all actions of debt grounded upon any lending or contract without ſpecialty; all actions of debt for arrearaiges of rent, and all actions of aſſault, menace, battery, wounding and imprifonment, or any of them which ſhall be ſued or brought at any time after the end of this preſent ſeſſion of parliament, ſhall be commenced and ſued within the time and limitation hereafter expreſſed, and not after (that is to ſay) (2) the ſaid actions upon the caſe (other than for ſlander) and the ſaid actions for account, and the ſaid actions for treſpaſs, debt, detinue and replevin for goods or cattle, and the ſaid action of treſpaſs *quare clauſum fregit*, within three years next after the end of this preſent ſeſſion of parliament, or within ſix years next after the cauſe of ſuch actions or ſuit, and not after; (3) and the ſaid actions of treſpaſs, of aſſault, battery, wounding, imprifonment or any of them, within one year next after the end of this preſent ſeſſion of parliament, or within four years next after the cauſe of ſuch actions or ſuit, and not after; (4) and the ſaid actions upon the caſe for words, within one year after the end of this preſent ſeſſion of parliament, or within two years next after the words ſpoken, and not after.

IV. And nevertheless be it enacted, That if in any the ſaid actions or ſuits, judgment be given for the plaintiff, and the ſame be reversed by error, or a verdict paſs for the plaintiff, and upon matter alledged in arreſt of judgment, the judgment be given againſt the plaintiff, that he take nothing by his plaint, writ or bill; or if any the ſaid actions ſhall be brought by original, and the defendant therein be outlawed, and ſhall after reverse the outlawry; that in all ſuch caſes the party plaintiff, his heirs, executors or adminiſtrators, as the caſe ſhall require, may commence a new action or ſuit, from time to time, within a year after ſuch judgment reversed, or ſuch judgment given againſt the plaintiff, or outlawry reversed, and not after.

V. And be it further enacted, That in all actions of treſpaſs *quare clauſum fregit*, hereafter to be brought, wherein the defendant or defendants ſhall diſclaim in his or their plea, to make any title or claim to the land in which the treſpaſs is by the declaration ſuppoſed to be done, and the treſpaſs be by negligence or involuntary, the defendant or defendants ſhall be admitted to plead a diſclaimer, and that the treſpaſs was by negligence or involuntary, and a tender or offer of ſufficient amends for ſuch treſpaſs before the action brought, whereupon or upon ſome of them, the plaintiff or plaintiffs ſhall be enforced to join iſſue; (2) and if the ſaid iſſue be found for the defendant or defendants, or the plaintiff or plaintiffs ſhall be nonſuited, the plaintiff or plaintiffs ſhall be clearly barred from the ſaid action or actions, and all other ſuit concerning the ſame.

VI. And

And be it further enacted by the authority aforesaid, That in all actions upon the case for slanderous words, to be sued or prosecuted by any person or persons in any the courts of record at *Westminster*, or in any courts whatsoever that hath power to hold plea of the same, after the end of this present session of parliament, if the jury upon the trial of the issue in such action, or the jury that shall enquire of the damages, do find or assess the damages under forty shillings, then the plaintiff or plaintiffs in such action shall have and recover only so much costs as the damages so given or assessed amount unto, without any further increase of the same; any law, statute, custom or usage to the contrary in any wise notwithstanding.

In actions of slander under 40s. the plaintiff shall recover no greater costs than damages. Palmer 529. 1 Salk. 206. Cro. Car. 307. Ley 82. Latch 2, 58.

VII. Provided nevertheless, and be it further enacted, That if any person or persons that is or shall be entituled to any such action of trespass, detinue, action sur trover, replevin, actions of accounts, actions of debts, actions of trespass for assault, menace, battery, wounding or imprisonment, actions upon the case for words, be or shall be at the time of any such cause of action given or accrued, fallen or come, within the age of twenty-one years, *feme covert*, *non compos mentis*, imprisoned or beyond the seas; that then such person or persons shall be at liberty to bring the same actions, so as they take the same within such times as are before limited, after their coming to or being of full age, discover, of sane memory, at large, and returned from beyond the seas, as other persons having no such impediment should have done. 20 H. 3. c. 8. 3 Ed. 1. c. 39. 32 H. 8. c. 2. 1 Ma. 1. Sess. 2. c. 5.

Infants, *femes covert*, &c. excepted. 4 Ann. c. 16. f. 17, 18.

1 Sid. 453.

2 Mod. 71.

CAP. XVII.

An act against usury.

WHEREAS at this time there is a very great abatement in the value of land, and other the merchandizes, wares and commodities of this kingdom, both at home, and also in foreign parts whither they are transported; (2) and whereas divers subjects of this kingdom, as well the gentry as merchants, farmers and tradesmen, both for their urgent and necessary occasions for the following their trades, maintenance of their stocks and employments, have borrowed, and do borrow divers sums of money, wares, merchandizes and other commodities; (3) but by reason of the said general fall and abatement of the value of land, and the prices of the said merchandize, wares and commodities, and interest in loan continuing at so high a rate as ten pounds in the hundred pounds for a year, doth not only make men unable to pay their debts, and continue the maintenance of trade, but their debts daily increasing, they are enforced to sell their lands and stocks at very low rates, to forsake the use of merchandize and trade, and to give over their leases and farms, and so become unprofitable members of the commonwealth, to the great hurt and hinderance of the same:

None shall take above the rate of eight pounds for the loan of an hundred pounds for a year. 12 Ann. Stat. 2. c. 16.

II. Be it therefore enacted by the King's most excellent majesty, the lords spiritual and temporal, and the commons, in this present parliament assembled, That no person or persons whatsoever, from and after the four and twentieth day of June, which

ſhall be in the year of our Lord one thouſand ſix hundred twenty and five, upon any contract to be made after the ſaid four and twentieth day of *June*, ſhall take directly or indirectly, for loan of any monies, wares, merchandize or other commodities whatſoever, above the value of eight pounds for the forbearance of one hundred pounds for a year, and ſo after that rate for a greater or leſſer ſum, or for a longer or ſhorter time; (2) and that all bonds, contracts and aſſurances whatſoever made after the time aforeſaid, for payment of any principal or money to be lent or covenanted to be performed, upon or for any uſury, whereupon or whereby there ſhall be reſerved or taken above the rate of eight pounds in the hundred as aforeſaid, ſhall be utterly void; (3) and that all and every perſon and perſons whatſoever, which ſhall after the time aforeſaid, upon any contract to be made after the ſaid four and twentieth day of *June*, which ſhall be in the year of our Lord 1625. take, accept and receive, by way or means of any corrupt bargain, loan, exchange, cheviſance, ſhift or intereſt of any wares, merchandize or other thing or things whatſoever, or by any deceitful way or means, or by any covin, engine or deceitful conveyance, for the forbearing or giving day of payment for one whole year, of and for their money or other thing, above the ſum of eight pounds for the forbearing of one hundred pounds for a year, and ſo after that rate for a leſſer or greater ſum, or for a longer or ſhorter time, ſhall forfeit and loſe for every ſuch offence the treble value of the monies, wares, merchandizes and other things ſo lent, bargained, ſold, exchanged or ſhifted.

A ſcrivener that takes above the rate of 5 s. for the forbearing of 100 l. for a year, or above 12 d. for the renewing of a bond, ſhall forfeit 20 l. and imprisonment for half a year.

III. And be it further enacted by the authority aforeſaid, That all and every ſcrivener and ſcriveners, broker and brokers, ſolicitor and ſolicitors, driver and drivers of bargains for contracts, who ſhall after the ſaid twenty-fourth day of *June*, which ſhall be in the year of our Lord 1625. take or receive, directly or indirectly, any ſum or ſums of money, or other reward or thing for brokerage, ſoliciting, driving or procuring the loan or forbearing of any ſum or ſums of money, over or above the rate or value of five ſhillings for the loan or forbearing of one hundred pounds for a year, and ſo ratably, or above twelve pence for making or renewing of the bond or bill for the loan, or forbearing thereof, or for any counter bond or bill concerning the ſame, ſhall forfeit for every ſuch offence twenty pounds, and have imprisonment for half a year; (2) the one moiety of all which forfeitures to be to the King our ſovereign lord, his heirs and ſucceſſors, and the other moiety to him or them that will ſue for the ſame in the ſame county where the ſeveral offences are committed, and not elſewhere, by action of debt, bill, plaint or information, in which no eſſoin, wager of law or protection to be allowed.

The continuance of this

IV. This act to continue for the ſpace of ſeven years from the ſaid four and twentieth day of *June*, which ſhall be in the year of our Lord 1625. and ſo to the end of the firſt ſeſſion of parliament then next following.

V. Pro-

V. Provided, That no words in this law contained shall be construed or expounded to allow the practice of usury in point of religion or conscience. *Made perpetual by 3 Car. 1. c. 4. s. 5. 2 H. 3. c. 5. 3 H. 7. c. 6. 11 H. 7. c. 8. 37 H. 8. c. 9. 5 & 6 Ed. 6. c. 20. 13 El. c. 8.*

The practice of usury disallowed.

C A P. XVIII.

An act for continuance of a former act made in the fourth year of the King's majesty's reign of England, &c. intituled, An act for the true making woolen clothes, and for some additions and alterations in and to the same.

WHEREAS in the fourth year of the reign of our sovereign lord the King's majesty that now is, there was amongst other, an act made and intituled, An act for the true making of woolen clothes, which in and by the said act is to continue in force and effect but unto the end of the first session of the then next parliament: forasmuch as the said act is found by experience to be very necessary, expedient and beneficial for the commonwealth, both in the providing for the several and respective lengths, breadths and weight of the several sorts of woolen clothes mentioned in the said statute, as also in the avoiding the mixture of flocks, thrums, and other deceivable things in the making of woolen clothes, saving in those points whereunto the additions and alterations in this present act do extend: (2) be it therefore enacted by the authority of this present parliament, That the same act above remembered, and all and every the branches, clauses and provisions in the same contained, and which are not in this present act altered, repealed, discontinued or enlarged, shall continue and be from henceforth in full force and effect, until the end of the first session of the next parliament.

The statute of 4 Jac. 1. c. 2. continued, and in part altered.

II, And whereas in and by the aforesaid act it was amongst other things enacted and provided, That it should or might be lawful to and for any person and persons lawfully exercising the trade or art of a clozier or making of clothes, to make flocks, thrums and lambs wool into cloth of one only kind or making, which should contain in length, being thoroughly wet, between twelve and thirteen such yards and inches as in the said statute had been mentioned, and in breadth one yard at the least within the lists, and being clean scoured, thicked, milled and fully dried, should weigh fifteen pounds the piece at the least; (2) be it enacted by the authority of this present parliament, That the said clause or provision for the making of flocks, thrums and lambs wool into cloth, shall be from henceforth discontinued, or repealed and void; (3) and further, whereas since the making of the said act, many ill-disposed persons for their own private gain and lucre, and in deceit of the buyers of cloth, and to the discredit and discrediting of good cloth, have used to mix and put flocks and thrums, and also noiles and hairs, and other deceivable things, into, within and upon the broad woolen clothes mentioned in the said act; which said broad woolen clothes be of far greater length, breadth and estimation, than be those clothes whereinto the said flocks, thrums and lambs wool in and by the said act have been permitted to be put into; and by the means of mixing and putting in or upon such broad clothes, of the said flocks, noiles, thrums,

The clause of 4 Jac. 1. c. 2. concerning the making of thrums, &c. into cloth, repealed.

thrums, hair and other deceivable things, into and within or upon the ſaid broad woollen clothes, the ſaid broad woollen clothes be much abuſed and diſcredited, and the buyers of ſuch broad woollen clothes cozened, deceived and abuſed :

He that puts thrums, &c. into cloth ſhall forfeit five pounds.

III. For reformation of which foreſaid wrongs, abuſes and miſdemeanors, be it enacted by the King's moſt excellent majeſty, the lords ſpiritual and temporal, and the commons, in this preſent parliament aſſembled, and by the authority of the ſame, That from henceforth no perſon or perſons ſhall mix or put any flocks, noiles, thrums, hair, or other deceivable thing or things, or any yarn made of the ſaid deceivable thing or things, into, within or upon any broad woollen cloth or clothes, upon pain to forfeit only five pounds and no more, for every ſuch broad woollen cloth, into, within or upon which any ſuch flocks, noiles, thrums, hair, or any other deceivable thing or things ſhall be put into or uſed ; the ſaid forfeiture to be to the uſe of the poor of the pariſh where ſuch deceivable cloth ſhall be made.

Searchers of cloth may enter into any man's houſe to find deceivable cloth.

IV. And for the better finding out of every ſuch deceivable thing and things mixed or put into or upon, or to be mixed or put into or upon, any broad woollen cloth or clothes, contrary to the true meaning of this law ; (2) be it further enacted by the authority aforeſaid, That it ſhall and may be lawful to and for any the overſeer or overſeers, ſearcher or ſearchers of cloth, of or within the ſeveral pariſh or pariſhes, or town or city where ſuch deceivable cloth or clothes ſhall be made, or ſuſpected to be made, from time to time to enter into any the houſe or houſes, ſhops, mill or mills, chambers or other rooms of any clothier, or perſon or perſons ſuſpected to have made any ſuch deceivable broad woollen cloth, to view, ſearch and ſee all or any their woollen cloth or clothes, and the mixture of their wools for clothes to be made ; (3) and alſo it ſhall be lawful for any two or more juſtices of the peace within the county, or within the city, borough or town corporate, where ſuch deceivable cloth ſhall be made, or ſuſpected to be made, upon information or complaint of any of the ſaid overſeer or overſeers, ſearcher or ſearchers, or any other, of their knowledge or ſuſpicion of any ſuch offence, to grant their warrant to call before them any perſon or perſons whatſoever that ſhall be thought in their diſcretions fit to diſcover any ſuch offence, (4) and to examine upon oath ſuch perſon or perſons for the trial and better finding out of the offence aforeſaid ; and if upon ſuch examinations it ſhall be found by teſtimony of two witneſſes or more, or by the confeſſion of the party or parties offending, that any ſuch offence or offences have been committed, as aforeſaid, then the party or parties that ſhall ſo confeſs his or their ſaid offence or offences, or who ſhall be found to have offended, and ſhall remain convicted of ſuch his or their offence or offences : (5) and that then it ſhall and may be lawful for the ſaid two juſtices to certify ſuch offence or offences unto the church-wardens and overſeers (for the time being) of the poor of the pariſh or pariſhes where ſuch deceivable cloth or clothes ſhall be made, under the hands and ſeals of the ſaid juſtices.

Two or more juſtices of peace may grant their warrant to bring before them any perſon ſuſpected for making deceivable cloth.

V. And be it further enacted by the authority aforeſaid, That immediately from and after ſuch certificate ſhall be delivered to any of the church-wardens and overſeers of the poor of any pariſh or pariſhes where ſuch offender or offenders ſhall dwell, and warrant by them made to the ſaid overſeers and church-wardens, for the levying of the ſaid forfeiture, it ſhall and may be lawful to and for the ſaid church-wardens and overſeers for the time being, or any of them, or for the ſucceſſor or ſucceſſors of them the ſaid church-wardens and overſeers, to levy the ſum or ſums of money which by the ſaid certificate and warrant ſhall appear to be forfeited, by way of diſtreſs and ſale of the offender's goods, rendering to the party ſo offending the overplus which ſhall ariſe by the ſale of ſuch goods, more than the forfeiture for ſuch offence or offences ſhall amount unto : (2) and in deſect of ſuch diſtreſs, it ſhall be lawful to and for the ſaid two juſtices of peace to commit the party or parties ſo certified to have offended to the common gaol, there to remain without bail or mainprize until payment ſhall be made of the ſaid ſum or ſums ſo forfeited, to the ſaid church-wardens and overſeers, or ſome or one of them, to the uſes aforeſaid, who ſhall yearly be accountable for ſuch ſum or ſums ſo received and levied, at ſuch times and in ſuch manner as the ſaid church-wardens and overſeers are to account for other monies which they are to collect to the uſe of the poor, by force of an act of parliament made in the three and fortieth year of the reign of the late Queen Elizabeth : (3) and that if any action or actions ſhall at any time or times hereafter happen to be brought or commenced againſt any perſon or perſons, for taking of ſuch diſtreſs or diſtreſſes, or for or about any matter or thing concerning the ſame ; that then it ſhall and may be lawful to and for every ſuch perſon or perſons againſt whom ſuch action or actions ſhall be brought or commenced, to plead the general iſſue, and to give in evidence, and to be allowed double coſts in every reſpect and degree, as in and by the ſtatute of the ſeventh year of the King's majeſty's reign of England that now is, intitled, *An act for eaſe in pleading againſt troubleſome and contentious ſuits proſecuted againſt juſtices of the peace, mayors, conſtables, and certain others his Majeſty's officers, for the lawful execution of their office*, is already provided and enacted.

Upon certificate of the juſtices that the party is convicted for making of deſeivable cloth, the church-wardens, &c. ſhall levy the forfeiture.

In default of diſtreſs, the party offending ſhall be committed to the common gaol.

43 Eliz. c. 2.

The officer being ſued ſhall be allowed to plead the general iſſue, &c. and recover double coſts.

7 Jac. 1. c. 5.

VI. And whereas divers clothiers be and are of late time much troubled and grieved by and with ſeveral ſearchers, aulnegers and viewers of clothes, who after that clothes have been ſearched, viewed and ſealed by the ſearchers and overſeers of the ſeveral pariſh and pariſhes where ſuch cloth and clothes have been made, and alſo by the King's aulneger of cloth, or by his deputy, do nevertheless for their own gain and lucre renew or ſearch again the ſame clothes, to the great trouble, diſturbance and hindrance of the ſaid clothiers, the loſs of their market and ſale of their cloth, although towards the end or concluſion of the ſaid act of the fourth year of the King's majeſty's reign of England that now is, aforeſaid, it is mentioned, that after ſach cloth be once lawfully ſearched, and lawfully ſealed, the ſame be not compelled to be further viewed, ſearched, meaſured or ſealed :

4 Jac. 1. c. 2.

The searcher
that searcheth,
&c. Cloth al-
ready search-
ed, &c. shall
forfeit five
pounds.

4 Jac. I. c. 2.

VII. Be it therefore likewise enacted by the authority afore-
said, That the said overseers and searchers authorized by the said
last mentioned statute, or by any former act, to search, view and
weigh any of the said clothes for the lengths, breadth and weight
of the said clothes, shall and may certify the same by their seals
affixed to such clothes, and with the word *faulty* thereon stamp-
ed, (if there be cause) and that none of the said clothes being
formerly searched, viewed, weighed and sealed by the said over-
seers and searchers of the parish, town or place, where the said
cloths shall be made, shall afterwards be viewed, searched or
weighed by any other person or persons, officer or officers what-
soever, contrary to the said statute made in the said fourth year
of his Majesty's reign; (2) upon pain of forfeiture of five pounds
to the party grieved, who shall and may sue for and recover the
same by bill, plaint or information, at or in the general quarter-
sessions of the peace to be holden for the county, city or town
corporate wherein such offence shall be committed, wherein
no esoin, protection, privilege or wager of law shall be al-
lowed.

All woolen
cloths shall be
searched, &c.
before they be
sold.

VIII. Provided always, and be it further enacted by the au-
thority of this present parliament, That all and all manner
woolen cloths, of what nature, kind or name soever they be or
shall be of, to be woven in any city or town corporate within
the realm of *England* or dominion of *Wales*, from and after forty
days next after the end of this present session of parliament,
shall be searched, tried and sealed, by the several and respective
overseers of cloth, appointed or to be appointed of or for the ci-
ties and towns corporate, or of or for some of the places or pa-
rishes in them; where the same cloths shall be woven, before
such cloths shall be sold, or offered to be sold.

The measure
of tenters for
cloths made in
Yorkshire.

IX. And be it further enacted by the authority of this present
parliament, That from and after forty days next after the end of
this present session of parliament, no tenter or tenters for broad
cloths to be made within the county of *York*, to be sold, shall
have or shall or may be allowed any farther chase or liberty for
or to the under bar of such tenter or tenters, than only half a
quarter of a yard at the most: (2) and that no tenter or tenters
for narrow cloths to be made within the said county of *York*, to
be sold, shall have or shall or may be allowed any further chase
or liberty for or to the under bar of such tenter or tenters, than
only half of a half quarter of a yard at the most: (3) and that
the overseers and searchers of cloth, or any of them, appointed
or to be appointed within the several and respective parishes
within the said county of *York*, shall, upon the penalties of their
recognizances taken or to be taken by virtue of the statute made
in the nine and thirtieth year of the reign of the late Queen
Elizabeth, or of any other statute, make due search and view of
the tenters to be used in the aforesaid county of *York*: (4) and
if they or any of them shall happen to find any tenter or tenters
used contrary to the true meaning of this act, that then they shall

Searchers shall
make search
of tenters in
Yorkshire.

39 Eliz. c. 20.

shall forthwith deface, or cause to be defaced, such tenter or tenters.

X. And be it further enacted, That if any person or persons whose tenter or tenters hath been or shall be once defaced, shall eftſoons offend contrary to the true meaning of this act, that then ſuch person or persons ſo offending ſhall for every his or their offence contrary to the true meaning of this act, forfeit and loſe the ſum of forty ſhillings of good and lawful money of *England*, to ſuch uſes and behoofs, and to be levied and recovered in ſuch manner and form, and by ſuch means, to all intents and purpoſes, as before in and by this preſent act it is limited, appointed and enacted, for the ſum or forfeiture of five pounds to the uſe of the poor, in this act before-mentioned.

The party offending the ſecond time for having a tenter contrary to this act, ſhall forfeit 40 s.

XI. And be it further enacted by the authority of this preſent parliament, That every overſeer of cloth appointed by any former law now in force, to fix unto any kind of cloths a ſeal of lead, ſhall from and after forty days next after the end of this preſent ſeſſion of parliament, upon the penalty of their reſpective recognizance taken or to be taken by virtue of the ſaid ſtatute made in the nine and thirtieth year of the reign of the ſaid Queen *Elizabeth*, or of any other ſtatute, engrave or ſet, or cauſe to be engraved or ſet, in and upon every of their reſpective ſeals of lead, which they ſhall fix unto any cloth by them reſpectively to be ſealed, his or their chriſtian and ſurname; and that no cloth or cloths to be ſealed with any ſeal of lead which ſhall want ſuch engraving or print, as aforeſaid, ſhall be taken or allowed to be ſufficiently ſealed, within the compaſs of any former law or ſtatute: (2) and furthermore whereas of late years divers ſubtil and naughty means and devices have been invented and practiſed for the preſſing of woollen cloth of all ſorts, by heating of thick boards or planks, and laying the ſame under and above the cloth in the cold preſs, and alſo by putting of thin or ceiling-boards and paſte-boards, being made very hot, into the cuttles or plates of cloths, and then preſently putting the ſame into a cold preſs, and by divers other cunning ſleights and inventions, by which deceitful practiſes and devices the chapmen or buyers of the woollen cloth of this kingdom are deceived and greatly wronged, and the woollen cloth of this kingdom it ſelf is diſgraced, and held and reputed very deceitful, to the great prejudice and ſcandal of the cloth of this kingdom: (3) be it further enacted by the authority of this preſent parliament, That all and every the preſſing of any kind or ſort of woollen cloths by or with ſuch ſubtil and deceitful means as aforeſaid, or by or with any other the like ſubtil or deceitful means or device, by or with any heat of fire, which ſhall be uſed or practiſed at any time or times after the end of this preſent ſeſſion of parliament, ſhall be taken and ſhall be expounded and adjudged to be preſſing with a hot preſs, and ſhall be puniſhed and puniſhable with the like forfeitures; and in like ſort, to all intents and purpoſes, as the preſſing with the hot preſs is puniſhable by any former law or ſtatute.

Every overſeer of cloth ſhall ſet his name upon the ſeal of the cloth.

39 Eliz. c. 29.

Preſſing of cloths between hot planks ſhall be puniſhed with like forfeiture as preſſing them with a hot preſs.

XII. And

to three parts.
5 & 6 Ed. 6. c. 6.
4 & 5 Ph. & M.
c. 5.
27 Eliz. c. 17.
35 Eliz. c. 7 & 8.
43 Eliz. c. 10.
4 Jac. 1. c. 2.

XII. And be it further enacted by the authority aforesaid, That all penalties and forfeitures for want of length, breadth and weight of cloth or cloths limited by any former act now in force, or by this present act, shall be distributed into three equal parts, whereof one third part shall be unto the said overseers and searchers finding and certifying the said default of length, breadth and weight, as aforesaid, to be recovered by them at or in the general quarter-sessions of the peace to be holden for the county, city or town corporate, where the offence therein shall happen to be done or committed, by action of debt, bill, plaint or information, wherein no essoin, protection, privilege, or wager of law shall be allowed: (2) and the other parts thereof shall be unto the poor of the parish where the said cloth or cloths shall be made, to be levied by way of distress, and sale of the offenders goods in default of sufficient distress, rendering to the party the overplus, by the churchwardens and overseers of the poor of every such parish, from time to time respectively, (which said churchwardens and overseers are in such manner to account for the same, as for any other sums which are by them to be collected to the use of the poor, by force of the said statute made in the foresaid three and fortieth year of the reign of the said late Queen, are by them to be levied and accounted for;) the said former act or any other act to the contrary in any wise notwithstanding. (3) This act to continue till the end of the first session of the next parliament. 3 Car. 1. c. 4. Continued until the end of the first session of the next parliament, and by 16 Car. 1. c. 4. farther continued. 5 & 6 Ed. 6. c. 6. 4 & 5 Ph. & M. c. 5. 8 El. c. 12. 27 El. c. 17. 35 El. c. 7 & 8. 43 El. c. 10. 4 Jac. 1. c. 2. 13 & 14 Car. 2. s. 32.

43 Eliz. c. 2.

CAP. XIX.

An act for the further description of a bankrupt, and relief of creditors against such as shall become bankrupts, and for inflicting corporal punishment upon the bankrupts in some special cases.

Laws made
against bank-
rupts shall be
beneficially
construed for
the creditors.
34 & 35 H. 8.
c. 4.
13 Eliz. c. 7.
2 Jac. 1. c. 15.
5 Geo. 2. c. 30.
19 Geo. 2. c. 32.

Forasmuch as daily experience sheweth, that the number and multitude of bankrupts do increase more and more, and also the frauds and deceits invented and practised for the avoiding and deluding the penalties of the good laws in that behalf already made, and the remedy by them provided: (2) and for that divers defects are daily found in the former statutes made against bankrupts, both in the description of a bankrupt, as also in the power given to the commissioners for the discovery and distributing the bankrupt's estate, to the great encouragement of evil-minded persons, the hindrance of traffick and commerce, the great decay, overthrow and undoing of many clothiers, by whom many thousands of the natural-born subjects of this realm be from time to time in all parts of this kingdom set on work: all which do tend to the general hurt of this realm: (3) for remedy whereof, be it enacted by the King's most excellent majesty, the lords spiritual and temporal, and commons, in this present parliament

ment aſſembled, and by the authority of the ſame, That all and ſingular the aforeſaid ſtatutes and laws heretofore made againſt bankrupts, and for relief of creditors, ſhall be in all things largely and beneficially conſtrued and expounded for the aid, help and relief of the creditors of ſuch perſon or perſons as already be or hereafter ſhall become bankrupt :

II. And that all and every perſon or perſons, uſing or that ſhall uſe the trade of merchandize, by way of bargaining, exchange, bartering, cheviſance or otherwiſe, in groſs or by retail ; (2) or ſeeking his or her living by buying and ſelling ; (3) or that ſhall uſe the trade or profeſſion of a ſcrivener, receiving other mens monies or eſtates into his truſt or cuſtody ; (4) who at any time after the end of this preſent ſeſſion of parliament, ſhall either by himſelf or others by his procurement, obtain any protection or protections, other than ſuch perſon or perſons as ſhall be lawfully protected by the privilege of parliament ; (5) or ſhall prefer or exhibit unto his Maſteſty, his heirs or ſucceſſors, or unto any of the King's courts, any petition or petitions, bill or bills againſt his or her creditor or creditors or any of them, thereby deſiring or endeavouring to compel or enforce them or any of them to accept leſs than their juſt and principal debts, or to procure time or longer days of payment than was given at the time of their original contracts ; (6) or being indebted to any perſon or perſons in the ſum of one hundred pounds or more, ſhall not pay or otherwiſe compound for the ſame within ſix months next after the ſame ſhall grow due, and the debtor be arreſted for the ſame, (7) or within ſix months after an original writ ſued out to recover the ſaid debt, and notice thereof given unto him or left in writing at his or their dwelling-houſe or laſt place of abode ; or being arreſted for debt, ſhall after his or her arreſt lie in priſon two months or more, upon that or any other arreſt or detention in priſon for debt ; (8) or being arreſted for the ſum of one hundred pounds or more of juſt debt or debts, ſhall at any time after ſuch arreſt eſcape out of priſon or procure his enlargement by putting in common or hired bail ; (9) ſhall be accounted and adjudged a bankrupt to all intents and purpoſes ; (10) and in the ſaid caſes of arreſts or lying in priſon for ſuch debt or debts, or getting forth by common or hired bail, from the time of his or her ſaid firſt arreſt.

III. And be it further enacted by the authority of this preſent parliament, that the like commiſſions, orders, benefits and remedies which are and be provided and limited by the ſaid former acts of parliament, made in the thirteenth year of the late Queen *Elizabeth*, and in the firſt year of the reign of our ſovereign lord the King's maſteſty, againſt any bankrupts in them or either of them deſcribed, or for or concerning his, her or their lands, tenements, hereditaments, fees, annuities, offices, goods, chattels, wares, merchandize, and debts or any of them, ſhall and may be had, purſued, taken and expounded, againſt ſuch perſon and perſons as are herein and hereby

Who ſhall be deemed a bankrupt.

March 34.
In part repeated by 10 Anne, c. 15. ſ. 1.

2 Show. 513.

Skin. 270.
1 Salk. 109.
Mod. caſes in law 49.

Commiffions, orders, &c. provided by 13 Eliz. c. 7. & 1 Jac. 1. c. 15. ſhall be purſued againſt him that is deſcribed to be a bankrupt by this act.

hereby declared, described or expreffed to be bankrupts, and againft his, her and their lands, tenements, hereditaments, fees, annuities, offices, goods, chattels, wares, merchandize and debts, in fuch manner and form as the fame ought and might have been, if the perfons herein declared, described or expreffed to be bankrupts, had been by the faid ftatutes or either of them described to be bankrupts, to all intents and purpofes whatfoever.

Orders, &c.
provided by
this act fhall
be purfued
againft him
that is def-
cribed to be
a bankrupt by
13 Eliz. c. 7 &
1 Jac. 1. c. 15.

IV. And be it further enacted by the authority aforefaid, That the fame orders, benefits and remedies, which are and be provided and limited by this prefent act againft any bankrupts, in or by this act declared, described or expreffed to be bankrupts, or for or concerning his, her or their lands, tenements, hereditaments, fees, annuities, offices, goods, chattels, wares, merchandizes and debts or any of them, or the difcovery of them or any of them, fhall from henceforth be had, purfued, taken and expounded againft fuch perfon and perfons as are declared or expreffed to be bankrupts by the faid former acts of parliament or either of them, and againft his, her and their lands, tenements, hereditaments, fees, annuities, offices, goods, chattels, wares, merchandizes and debts, in fuch manner and form as the fame ought and might have been, if the perfons in the former ftatutes or either of them, described to be bankrupts, had been mentioned and described to be bankrupts in and by this prefent act.

V. *And whereas by the former laws, the commissioners appointed have power to examine the bankrupt himfelf, and fuch perfon or perfons as are fufpected to have or detain any of the eftate, goods or chattels of the bankrupts; but fome doubt hath been made, whether the commissioners have power to examine the wives of the bankrupts touching the fame, by reafon whereof the bankrupts wives do daily conceal and convey away, and caufe to be conveyed away, much part of their husbands monies, wares, goods, merchandize and other eftate, to perfon or perfons unknown to any but fuch wives, by reafon whereof much of the bankrupts eftate is concealed and detained from the creditors.*

VI. For clearing therefore the faid doubt, and avoiding the inconveniencies aforefaid, be it declared and enacted by the authority aforefaid, That after fuch time as any perfon fhall by the faid commissioners executing the faid commiffion, or the greater part of them, be lawfully adjudged or declared to be a bankrupt, the faid commissioners executing fuch commiffion fhall have power and authority to examine upon oath the wife and wives of all and every fuch bankrupt, for the finding out and difcovery of the eftate and eftates, goods and chattels of fuch bankrupt or bankrupts, concealed, kept or difpofed of by fuch wife or wives, in their own perfons, or by their own act or means, or by any other perfon or perfons; (2) and that ſhe and they, the faid wife and wives, fhall incur fuch danger and penalty for not coming before the faid commif-

The bank-
rupt's wife
may be ex-
amined by the
commissioners.
1 Wms. 610,
611.

commiſſioners, or for reſuſing to be ſworn and examined, or for not diſcloſing the truth upon her or their examination or examinations, as in and by the ſaid former laws or either of them is already made and provided againſt any other perſon or perſons in like caſes.

VII. And be it further enacted by the authority aforeſaid, That if any bankrupt ſhall upon his or her examination or examinations, to be taken before the ſaid commiſſioners executing the ſaid commiſſion, be found fraudulently or deceitfully to have conveyed away his or her goods, chattels, lands, tenements, offices, fees, rents or annuities, or other eſtate or any part thereof, to the value of twenty pounds or above, to the end and purpoſe to hinder the execution of this ſtatute or of any other the aforeſaid ſtatutes, or thereby to defraud, delay or hinder his or her creditors of the ſame, and ſhall not upon his or her examination diſcover unto the ſaid commiſſioners, and (if it lie in his or her power) deliver unto the ſaid commiſſioners all that eſtate, goods and chattels ſo fraudulently and deceitfully conveyed away as aforeſaid, or by him or her, his or her means, kept and detained from the ſaid commiſſioners, or that cannot make it appear unto the ſaid commiſſioners, that he or ſhe hath ſuſtained ſome caſual loſs, whereby he or ſhe is diſabled to pay what he or ſhe then owed, ſhall or may be indicted for ſuch fraud or abuſe at the aſſizes or general ſeſſions to be holden before the judges of aſſize, or juſtices of the peace of the county or place where he or ſhe ſhall become bankrupt: (2) and if upon ſuch indictment or indictments the bankrupt be thereof convicted, he or ſhe ſo convicted ſhall be ſet upon the pillory in ſome publick place for the ſpace of two hours, and have one of his or her ears nailed to the pillory and cut off.

VIII. And for that ſome doubt is conceived, whether the commiſſioners in caſe of reſiſtance have power by the former laws to break open, or cauſe to be broken open, the houſe or houſes of ſuch bankrupts, which if they have not, the remedies by the former laws given will be to little effect: (2) be it therefore enacted, That in execution of the ſaid commiſſion, it ſhall be lawful to and for the ſaid commiſſioners or the greater part of them, or any other perſon or perſons, officer or officers, by them or the greater part of them to be deputed and appointed by their warrant or warrants under their hands and ſeals, to break open the houſe or houſes, chambers, ſhops, ware-houſes, doors, trunks or cheſts of the ſaid bankrupt, where the ſaid bankrupt or any of his or her goods or eſtate ſhall be or reputed to be, and to ſeize upon and order the body, goods, chattels, ready money and other eſtate of ſuch bankrupt, as by the ſaid former laws are limited and appointed, whether it be by impriſonment of his or her body or otherwiſe, as to the ſaid commiſſioners or the greater part of them ſhall be thought meet.

The bankrupt that fraudulently conceal-eth his goods, or rendereth not ſome juſt reaſon why he became bankrupt, ſhall be ſet upon the pillory, and loſe one of his ears.

The commiſſioners may break open the bankrupt's doors, &c.

The bankrupt's goods shall be rateably divided, notwithstanding any judgment, recognition, &c.

IX. And for the better division and distribution of the lands, tenements, hereditaments, goods, chattels and other estate of such bankrupt to and amongst his or her creditors ; (2) be it enacted, That the commissioners, or the greatest part of them, shall and may examine upon oath or by any other ways or means as to them shall seem meet, any person or persons, for the finding out and discovery of the truth and certainty of the several debts due and owing to all such creditor and creditors as shall seek relief by such course of commission to be sued forth as aforesaid : (3) and that all and every creditor and creditors having security for his or their several debts, by judgment, statute, recognizance, specialty with penalty or without penalty, or other security, or having no security, or having made attachments in *London*, or any other place, by virtue of any custom there used, of the goods and chattels of any such bankrupt, whereof there is no execution or extent served and executed upon any the lands, tenements, hereditaments, goods, chattels and other estate of such bankrupts, before such time as he or she shall or do become bankrupt, shall not be relieved upon any such judgment, statute, recognizance, specialty, attachments or other security for any more than a rateable part of their just and due debts, with the other creditors of the said bankrupt, without respect to any such penalty or greater sum contained in any such judgment, statute, recognizance, specialty with penalty, attachment or other security.

The commissioners may proceed when the bankrupt by fraud makes himself accountant to the King.

X. And be it further enacted, That if it shall happen, any the lands, tenements, goods, chattels, debts or other estate of any bankrupt, to be extended after such time as he or she is become a bankrupt, by any person or persons, under colour or pretence of his or their being an accountant, or any way indebted unto our sovereign lord the King's majesty, his heirs or successors, that then it shall be lawful to and for the said commissioners to examine upon oath, whether the said debt were due to such debtor or accountant, upon any bargain or contract originally made betwixt such accountant and the said bankrupt, the said debtor or accountant and his or their servants : (2) and if such bargain or contract was originally made to and with any other person or persons than the said debtor or accountant, or for the use and trust of any other person or persons, then it shall and may be lawful to and for the said commissioners or the greater part of them, to order and dispose of all such lands, tenements, hereditaments, goods, chattels and debts, so extended as aforesaid, to and for the use of the creditors which shall seek relief by the said commission ; (3) and that the order and disposition of the said commissioners or the greater part of them shall be good and available against the said extent, and against all persons claiming from, by or under the said extent ; (4) and that such person and persons to whom the said lands, tenements, goods and chattels so extended,

ed, ſhall be bargained, fold, granted or aſſigned by the com-
miſſioners aforeſaid or the greater part of them, ſhall have good
remedy to have, demand and recover the ſame againſt ſuch per-
ſon and perſons who ſhall detain the ſame: (5) *And for that it
often falls out, that many perſons before they become bankrupts, do
convey their goods to other men upon good conſideration, yet ſtill do
keep the ſame, and are reputed the owners thereof, and diſpoſe the
ſame at their own:*

XI. Be it enacted, That if at any time hereafter any perſon
or perſons ſhall become bankrupt, and at ſuch time as they
ſhall ſo become bankrupt ſhall by the conſent and permis-
ſion of the true owner and proprietary have in their poſſeſſion,
order and diſpoſition, any goods or chattels, whereof they
ſhall be reputed owners, and take upon them the ſale, altera-
tion or diſpoſition as owners, that in every ſuch caſe the ſaid
ſaid comiſſioners or the greater part of them ſhall have power
to ſell and diſpoſe the ſame, to and for the benefit of the
creditors which ſhall ſeek relief by the ſaid comiſſion, as
fully as any other part of the eſtate of the bankrupt: (2) and
for the better payment of debts and diſcouraging men to be-
come bankrupts.

Goods in the
poſſeſſion, &c.
of the bank-
rupt are liable
to pay his
debts, not-
withſtanding
any former
grant, &c.
: Wms. 314,
&c.
Ryan v. Rolt,
in Chan. by
ld. Hard-
wicke, and
three chiefs.

XII. Be it further enacted, That the ſaid comiſſioners
or the greater number of them ſhall have power by virtue of
this act, by deed indented and inrolled within ſix months
after the making thereof, in ſome of his Maſteſty's courts of
record at *Weſtmiſter*, to grant, bargain, ſell and convey any
manors, lands, tenements or hereditaments, whereof any bank-
rupt is or ſhall be in any ways ſeiſed of any eſtate in tail, in
poſſeſſion, reversion or remainder, and whereof no reversion
or remainder is or ſhall be in the King's maſteſty, his heirs
and ſucceſſors, of the gift or proviſion of his Maſteſty, his pro-
genitors, his heirs or ſucceſſors, to any perſon or perſons,
for the relief and benefit of the creditors of all ſuch bankrupts;
(2) and that all and every ſuch grants, bargains, ſales and
conveyances, ſhall be good and available in the law to ſuch
perſon or perſons and their heirs, againſt the ſaid bankrupts,
and againſt all and every the iſſues of the body of ſuch bank-
rupts, and againſt all and every perſon and perſons claim-
ing any eſtate, right, title or intereſt, by, from, or under
the ſaid bankrupts, after ſuch time as ſuch perſon ſhall be-
come bankrupt, and againſt all and every other perſon and
perſons' whatſoever, whom the ſaid bankrupt by common
recovery, or other ways or means might cut off or debar
from any remainder, reversion, rent, profit, title or poſſibility,
into or out of any the ſaid manors, lands, tenements or here-
ditaments.

A grant of the
intailed lands
of the bank-
rupt ſhall be
good.

XIII. And be it further enacted, That if any perſon that
now is or hereafter ſhall become a bankrupt, have heretofore
granted, conveyed or aſſured, or ſhall at any time hereafter
grant, convey or aſſure, any lands, tenements, hereditaments,
goods,

Conditional
eſtates granted
by the bank-
rupt may be

redeemed by
the commiſ-
ſioners.

goods, chattels, or other eſtate, unto any perſon or perſons, upon condition, or power of redemption at a day to come, by payment of money or otherwiſe; That it ſhall and may be lawful to and for the ſaid commiſſioners or the greater part of them, before the time of the performance of ſuch condition, to aſſign and appoint under their hands and ſeals ſuch perſon or perſons they ſhall think fit, to make tender or payment of money, or other performance, according to the nature of ſuch condition, as fully as the bankrupt might have done; (2) and that the ſaid commiſſioners, or the greater part of them, ſhall after ſuch tender, payment or performance, have power to ſell and diſpoſe of ſuch lands, tenements, hereditaments, goods and chattels, and other eſtates ſo granted, conveyed or aſſured upon condition, to and for the benefit of the creditors, as fully as they may ſell or diſpoſe of any the eſtate of the bankrupt.

The commiſ-
ſion ſhall be
ſued forth
within five
years.

XIV. Provided further, That no purchaſer for good and valuable conſideration ſhall be impeached by virtue of this act, or any other act heretofore made againſt bankrupts, unleſs the commiſſion to prove him or her a bankrupt be ſued forth againſt ſuch bankrupt within five years after he or ſhe ſhall become a bankrupt.

Strangers
ſhall take ad-
vantage of
this and all
other laws
againſt bank-
rupts.

XV. Provided further, and be it enacted by the authority aforeſaid, That this act and all other acts of parliament heretofore made againſt bankrupts, ſhall extend to ſtrangers born, as well aliens as denizens, as effectually as to the natural-born ſubjects, both to make them ſubject to the laws as bankrupts, as alſo to make them capable of the benefit or contribution as creditors by thoſe laws. 13 & 14 Car. 2: cap. 24.

CAP. XX.

An act to prevent and reform profane ſwearing and curſing.

None ſhall
profanely
ſwear or curſe.
19 Geo. 2. C. 31.

FORASMUCH as all profane ſwearing and curſing is forbidden by the word of God; be it therefore enacted by the authority of this preſent parliament, That no perſon or perſons ſhall from henceforth profanely ſwear or curſe: (2) and that if any perſon or perſons ſhall at any time or times hereafter offend herein, either in the hearing of any juſtice of peace of the county, or of any mayor, juſtice of peace, bailiff or head officer of any city or town corporate, where ſuch offence is or ſhall be committed, or ſhall thereof be convicted by the oaths of two witneſſes, or by confeſſion of the party, before any ſuch juſtice of peace of the county, or head officer or juſtice of the peace in the city or town corporate where ſuch offence is or ſhall be committed, to which end every juſtice of peace and every ſuch head officer ſhall have power by this act to miniſter the ſame oath; That then every ſuch offender ſhall for every time ſo offending forfeit and pay to the uſe of the poor of that pariſh where the ſame offence is

He that pro-
fanely curſeth
or ſwareth
ſhall forfeit

is or shall be committed, the sum of twelve pence: (3) and it shall also be lawful for the constable, churchwardens and overseers of the poor of that parish, by warrant from such justice of the peace or head officer, to levy the same sum and sums of money by distress and sale of the offenders goods, rendering to the party the overplus: (4) and in defect of such distress the offender, if he or she be above the age of twelve years, shall by warrant from such justice of the peace or head officer be set in the stocks by three whole hours, but if the offender be under the age of twelve years, and shall not forthwith pay the said sum of twelve pence, then he or she by warrant of such justice of peace or head officer, shall be whipped by the constable, or by the parent or master in his presence.

rad. to the use of the poor. The constable, &c. shall levy the said forfeiture.

By 6 & 7 W. 1. c. 11. s. 1. 180 second offence suffers double.

II. And be it further enacted, That if any such offender shall commence any suit in law against any officer or other for such distraining, sale of goods, whipping or setting in the stocks, the defendant or defendants may plead the general issue, and give the special matter in evidence to the jury at the trial; and if it be found against the plaintiff, or that the plaintiff be nonsuit, the defendant or defendants shall be allowed good costs, to be taxed by the court.

The officer being sued shall plead the general issue.

III. Provided nevertheless, That every offence against this law shall be complained of, and proved as aforesaid, within twenty days after the offence committed. (2) And it is also enacted, That this act shall be read in every parish church by the minister thereof, upon the Sunday after evening prayer, twice in the year.

This offence shall be prosecuted within twenty days. This act shall be read in the church twice every year.

IV. Provided, That this act shall continue until the end of the first session of the next parliament, and no longer. 3 Car. 1. c. 4. Continued until the end of the first session of the next parliament, and further continued by 16 Car. 1. c. 4.

CAP. XXI.

An act concerning hostlers and inn-holders.

BE it enacted by the authority of this present parliament, That one statute made in the seven and thirtieth year of the reign of the late King Edward the Third, made for the great dearth that then was in many places of the realm, of poultry, and concerning the prices of poultry: (2) and so much of one statute made in the thirteenth year of the reign of King Richard the Second, as provideth, that no hostler make horse-bread in his hostery, nor without, and that the assize thereof shall be kept, and that the weight be reasonable after the prices of the corn in their markets, and that the same hostlers shall sell hay and oats, after a reasonable price, so that they take but one half-penny over the common price in the market: (3) and so much of one statute made in the fourth year of the reign of the late King Henry the Fourth, as doth concern the putting in execution of the part of the statute made in the thirteenth year of the reign of King Richard the Second, that is before specified: (4) and one statute made in the two and thirtieth year of

Hostlers or inn-holders shall make no horse bread. 37 Ed. 3. c. 3.

13 R. 2. stat. 1. c. 8.

4 H. 4. c. 25.

the baking of horse-bread: (5) be from henceforth rep void, and of none effect.

The aforesaid statutes repealed, hostlers, &c. shall make no horse-bread. They shall sell provender according to the market.

II. And be it further enacted, That no hostler or shall at any time after the end of this present session make horse-bread in his hostery, nor wit bakers shall make it, and the assize shall be kept, the weight be reasonable after the price of the grain in the markets adjoining; (2) and the hostler holders shall sell their horse-bread, and their hay, oat peas, provender, and also all kind of victual both for beast, for reasonable gain, having respect to the prices as they shall be sold in the markets adjoining, without taking thing for litter.

They may make horse-bread when no baker dwells in the same town.

III. Provided always, and be it enacted by the authority aforesaid, That from henceforth it may and shall be lawful every hostler and inn-keeper, dwelling in any town or village being a thorough-fare or a common passage within this realm, and being no city, town corporate or market-town wherein any common baker exercising the occupation of baking, and that hath been apprentice at the said occupation the space of seven years, is dwelling, to make within his house horse-bread sufficient, lawful and of due assize, according to the price of grain and corn now is and hereafter shall be from time to time; any thing herein contained to the contrary notwithstanding.

If they make it not of due assize they shall be punished by the justices, &c.

IV. And be it further enacted by the authority aforesaid That if the horse-bread which any of the said hostlers or inn-holders shall make, be not sufficient, lawful and of due assize according to the price of grain and corn as is aforesaid; that if any of them shall offend in any thing contrary to this act; then the justices of assize, justices of oyer and terminer, justices of the peace in every shire, liberty or franchise within this realm, sheriffs in their turns, and stewards in their last and law-days, shall have full power and authority to enquire, hear and determine the said defaults and offences of the said hostlers and inn-holders, hereafter to be committed against the form of this present statute: (2) and the hostler or inn-holder for the first offence shall be fined according to the quantity of the offence; and if being once convicted he shall again offend, for the second offence he shall be imprisoned for the space of one month without bail or mainprize; and if he shall a third time offend, being thereof convicted he shall stand upon the pillory, without being redeemed for money; and if he shall offend after the judgment of the pillory given, he shall be fore-judged for keeping any inn again.

C A P. XXII.

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An act for the explanation of the statutes made in the third, fourth and fifth years of King Edward the Sixth, concerning the traders of butter and cheese.

The statutes of 3 & 4 Ed. 6. c. 21. and 5 & 6 Ed. 6. c. 14. explained.

WHEREAS in a parliament holden at Westminster in the third and fourth years of the reign of the most excellent prince of happy memory, King Edward the Sixth, it was enacted, That no person or persons after the feast of the Annunciation of our Lady then next coming, should buy to sell again any butter or cheese, unless he or they sold the same again by retail in open shop, fair or market, and not in gross, upon pain of forfeiture of double the value of the same butter and cheese so sold contrary to the tenor of the said act;

II. In and by which act it is provided and enacted, That the said word of retail mentioned in the said act shall be expounded, declared and taken only where a wey of cheese, or a barrel of butter, or a less quantity, and not above, should be sold at one time to any person or persons in open shop, fair or market, and that to be done without fraud or covin:

III. And whereas also by one other act made in a parliament holden at Westminster in the fifth year of the reign of the said late King it was enacted, (amongst other things) That whatsoever person or persons should ingross or get into his hands any butter or cheese within the realm of England, to the intent to sell the same again, should be accepted, reputed and taken to be an unlawful ingrosser, and should lose and forfeit the value of the said goods: (2) in which act there is no proviso for retailers at all; by occasion whereof, the traders for butter and cheese for the city of London are continually vexed and molested by common informers, sometimes upon the one statute and sometimes upon the other, to their great loss and charge:

IV. Now for that by daily experience it is found, that the traders of butter and cheese for the city of London, which fetch and provide the said butter and cheese out of divers counties, upon their great travel, charge and adventure, for provision of the said city, and of others thereunto resorting, and there sell the same in their shops in open market, not only for the general use and service of the said city, and the countries adjoining, but also for any occasion which may be offered for the better expedition of his Majesty's service; as also for victualling of ships which daily are victualled from this port of London, which possibly cannot be performed by the small quantities aforesaid, and according to the said statute:

V. And whereas the common informers finding that the letter of the said statute extendeth against such as do sell above the quantity of a wey of cheese, or of a barrel of butter, at one time, though it be in open shop, fair or market, and that in the other act no proviso at all is made, as aforesaid, for retailers, have of late years much troubled the traders of butter and cheese within the city of London, with many informations, as well upon the one statute as the other, and have gotten several sums of money for composition of them, albeit they then were and are men that

that have been apprentices, trained up in the ſaid trade, and have no other living or trade of life, to their great hindrance and impoveriſhment :

The aforeſaid acts reſtrained as to London, Weſtmiſter or Southwark.

VI. For remedy whereof, be it enacted by the authority of this preſent parliament, That the ſaid acts, or any of them, or any other act, ſtatute, law, ordinance or other provision whatſoever heretofore, for or concerning the ſale of butter or cheeſe in open ſhop, fair or market, or the providing or buying of any butter or cheeſe, ſhall not in any wiſe extend to any perſon or perſons, being cheeſemongers or tallow-chandlers, free of the ſaid city, and having been brought up as apprentices by the ſpace of ſeven years, trading in butter and cheeſe, for ſuch butter and cheeſe, and either of them, as he and they ſhall utter and ſell within *London* and the liberties thereof, or within the borough of *Southwark*, or the city of *Weſtmiſter*, for the victualling of any of the ſhipping of his Maſteſty, his heirs or ſucceſſors, or for the ſhips of any other his Maſteſty's ſubjects, or to ſuch butter or cheeſe which he or they ſhall ſell by any quantities at one time, and to one perſon, not exceeding four wey of cheeſe, or four barrells of butter, without fraud or covin, ſo as he or they ſell the ſame in open ſhop, fair or market; any thing in the ſaid acts and ſtatutes or any of them to the contrary notwithstanding.

The juſtices of peace may reſtrain the traders in butter and cheeſe to buy thoſe commodities in the country.

VII. Provided nevertheleſs, and be it enacted by the authority aforeſaid, That if the juſtices of the peace of any of the counties of this realm of *England* or the dominion of *Wales*, at their quarter-ſeſſions of any of the ſaid counties, ſhall declare and publiſh in open ſeſſions, that the traders aforeſaid in butter and cheeſe ſhall forbear to buy any butter or cheeſe for any time within the ſaid county or counties or within any parts or places of the ſame; that then for and during the time of ſuch reſtraint, the ſaid traders in butter and cheeſe that ſhall buy any ſuch butter or cheeſe, and ſell the ſame again by retail, contrary to any the acts aforeſaid, ſhall not be freed of or from any the penalties of the ſaid acts, but ſhall be ſubject to the ſame as if this act had never been made.

18 H. 6. c. 3.
2 & 3 Ph. & M.
c. 5.

(2) This act to continue unto the end of the firſt ſeſſion of the next parliament. 3 Car. 1. c. 4. Continued until the end of the firſt ſeſſion of the next parliament, and farther continued by 16 Car. 1. c. 4. 13 & 14 Car. 2. c. 26.

C A P. XXIII.

An act for avoiding of venacious delays cauſed by removing actions and ſuits out of inferior courts.

Suits commenced in inferior courts ſhall not be removed into ſuperior courts, unleſs &c.

WHEREAS there now are, and long time have been, divers courts of record in divers cities, liberties, towns corporate and elſewhere, ſome of them being far remote from *Weſtmiſter*, others from the court of grand ſeſſions in *Wales*, which were principally ordained for the eaſe and quiet of ſuch as ſhould have occaſion to ſue there for debts, duties and wrongs, ſo that they might with ſmall expences receive juſtice according to the merits of their cauſes in thoſe inferior courts,

courts, without being compelled to travel to Westminster or the court of the great sessions in Wales: (2) but of late divers of his Majesty's loving subjects, having for just and true debts and other good and lawful causes, commenced suits in such inferior courts, and prosecuted their actions and suits many times ready for trial, and the same causes being for the most part but of small value, have been removed into some of his Majesty's courts at Westminster or the court of the great sessions in Wales, and being remanded by Procedendo into the same inferior courts where the action or suit was first commenced, the same have been again oftentimes removed into the same or other of his Majesty's courts at Westminster or courts of the great sessions in Wales, to the intolerable delay of justice, and great expences of money, and loss and trouble, to those which justly and honestly by such actions and suits have sought only to recover or get satisfaction for debts, duties or wrongs owing, due or done unto them:

II. For remedy whereof, be it enacted by the King's most excellent majesty, the lords spiritual and temporal, and by the commons, in this present parliament, and by the authority of the same, That no writ or writs of *habeas corpus*, *certiorari*, or any other writ or writs, process or processes whatsoever, other than writs of error or attain, to be sued forth after the end of this present session of parliament, by any person or persons whatsoever, out of or from any of his Majesty's courts at Westminster or the court of the great sessions in Wales, or out of any other court or courts having or pretending to have power to award such writs or processes, to stay or remove any action, bill, plaint, suit or cause brought, commenced or depending, or hereafter to be brought, commenced or depending, in any court or courts of record within any city, liberty, town corporate, or elsewhere, which have or shall have jurisdiction, power or authority to hold plea in that action, bill, plaint, suit or cause: the same cause of action, bill, plaint or suit arising or growing within the said city, liberty, town corporate or jurisdiction, shall after the end of this present session of parliament be received or allowed by the steward or stewards, judge or judges, or officer or officers of the court or courts wherein or to whom any such writ or writs shall be directed and delivered; but that he and they shall and may proceed in the said cause or causes, as though no such writ or writs were sued forth or delivered to him or them, except that the said writ or writs be delivered to the steward or stewards, judge or judges, officer or officers of the said court, before issue or demurrer joined in the said cause or causes so depending or to be depending in any such court of record in any city, liberty, town corporate or elsewhere, having power to hold such plea, so as the said issue or demurrer be not joined within six weeks next after the arrest or appearance of the defendant or defendants to such action or suit commenced.

No writ to remove a suit commenced in an inferior court shall be obeyed, unless it be delivered unto the steward, &c. of the same court before issue or demurrer joined.

1 Stat. 148.

Carthew 69.
3 Mod. 85.

III. And be it further enacted by the authority aforesaid, That if any such action, bill, plaint, suit or cause, which is or shall here-
A suit once remanded shall never at-

terwards be
removed.

hereafter be brought, commenced or depending in any ſuch court of record in any city, liberty, town corporate or elſewhere, ſhall after the end of this preſent ſeſſion of parliament be removed or ſtaid by any ſuch writ or writs, proceſs or proceſſes to be ſued forth or out of any of his Ma- jeſty's courts at *Weſtmiſter* or the court of the great ſeſſions in *Wales* or any other court as aforeſaid, that if afterwards the ſame action, bill, plaint, ſuit or cauſe ſhall be remanded or ſent back again by any writ or writs of *procedendo* or other writ whatſoever; that then the ſaid action, bill, plaint, ſuit or cauſe, ſhall never afterwards be removed or ſtaid before judgment, by any writ or writs whatſoever to be ſued forth or out of any of his Maſteſty's ſaid courts at *Weſtmiſter* or the ſaid court of great ſeſſions in *Wales*, or any other court as aforeſaid; any law, ſtatute, cuſtom, uſage or reſtraint to the contrary thereof in any wiſe notwithstanding.

A ſuit, when
the thing in
demand ex-
ceeds not five
pounds, ſhall
not be remov-
ed. Palmer
403; *Enlarged*
by 12 Geo. 1.
c. 29. ſ. 3.

IV. And be it further enacted by the authority aforeſaid, That if in any action, bill, plaint, ſuit or cauſe, not concerning freehold or inheritance, or title of land, leaſe or rent, which ſhall be brought, commenced or depending in any ſuch court of record in any city, liberty, town corporate or elſewhere, if it ſhall appear, or be laid in the declaration, that the debt, damages or things demanded, doth or ſhall not amount to or exceed the ſum of five pounds; that then ſuch action, bill, plaint, ſuit or cauſe, ſhall not be ſtayed nor removed into any of his Maſteſty's courts at *Weſtmiſter* or other courts as aforeſaid, by any writ or writs whatſoever, to be ſued or proſecuted forth or out of his Maſteſty's ſaid courts at *Weſtmiſter* or other courts as aforeſaid, other than writs of error or attain; any law, ſtatute, uſage, cuſtom or reſtraint to the contrary in any wiſe notwithstanding.

V. And be it further enacted by the authority aforeſaid, That if any writ or writs whatſoever, ſhall be after the end of this preſent ſeſſion of parliament granted or ſued forth or out of any of his Maſteſty's ſaid courts at *Weſtmiſter* or court of the great ſeſſions in *Wales* or other court contrary to the intent and meaning of this preſent act, that then it ſhall and may be lawful to and for the judge or judges, and officer or officers, to whom ſuch writ or writs ſhall be directed or delivered, to diſallow and reſuſe the ſame, and to proceed as if no ſuch writ or writs had been granted or ſued out or forth as aforeſaid; any law, ſtatute, uſage, cuſtom or reſtraint to the contrary in any wiſe notwithstanding.

This act ſhall
only extend to
courts in li-
berties, &c.
and when
the ſeward is
an utter bar-
riſter, &c. Cro.
Car. 79.

VI. Provided always, That this act ſhall extend only to ſuch courts of record in cities, liberties, towns corporate and elſewhere, and for ſo long time only, as there is or ſhall be an utter barrifier of three years ſtanding at the bar of one of the four inns of court, that is or ſhall be ſeward, under-ſeward, or deputy-ſeward, town-clerk, or judge, or recorder of the ſame inferior court, or that is or ſhall be from time to time aſſiſtant to ſuch judge or judges of ſuch inferior courts

courts as shall not be utter-barristers of such standing as is aforesaid, and there present, in which such actions, bills, plaints, suits or causes is or shall be brought, commenced or depending, and not of counsel in any action, suit or cause then depending in the same inferior court; any thing in this present act, or any law, or other statute, usage, custom or restraint to the contrary in any wise notwithstanding.

VII. Provided that this act, or any thing therein contained, shall not extend to any action, bill, plaint, suit or cause, where- in any such foreign or other plea shall be pleaded as could not be tried or determined within the jurisdiction of such inferior courts. This act shall not extend to any foreign plea.

C A P. XXIV.

An act for the relief of creditors against such persons as die in execution.

FORasmuch as heretofore it hath been much doubted and questioned, if any person being in prison and charged in execution by reason of any judgment given against him, should afterwards happen to die in execution, whether the party at whose suit or to whom such person stood charged in execution at the time of his death, be for ever after concluded and barred to have execution of the lands and goods of such person so dying: The lands of him that dies in execution shall be chargeable with the debts.

II. And forasmuch as daily experience doth manifest, that divers persons of sufficiency in real and personal estate, minding to deceive others of their just debts for which they stood charged in execution, have obstinately and wilfully chosen rather to live and die in prison than to make any satisfaction according to their abilities: to prevent which deceit, and for the avoiding of such doubts and questions hereafter; (2) be it declared, explained and enacted by the King's most excellent majesty, the lords spiritual and temporal, and the commons, in this present parliament assembled, and by the authority of the same, That from and after the end of this present session of parliament, the party or parties, at whose suit or to whom any person shall stand charged in execution for any debt or damages recovered, his or their executors or administrators, may after the death of the said person so charged and dying in execution, lawfully sue forth and have new execution against the lands and tenements, goods and chattels, or any of them, of the person so deceased, in such manner and form to all intents and purposes, as he or they or any of them might have had by the laws and statutes of this realm, if such person so deceased had never been taken or charged in execution. A new execution may be awarded against the lands of him that dies in execution.

III. Provided always, and be it declared and enacted, That this act shall not extend to give liberty to any person or persons, their executors or administrators, at whose suit or suits any such party shall be in execution, and die in execution, to have or take any new execution against any the lands, tenements or hereditaments of such party so dying in execution, which shall at any time after the said judgment This act shall not extend to lands sold bona fide.

or judgments be by him sold *bona fide*, for the payment of any of his creditors, and the money which shall be paid for the lands so sold, either paid or secured to be paid to any of his creditors, with their privy and consent, in discharge of his or their due debts, or of some part thereof; any thing before in this act to the contrary thereof in any wise notwithstanding.

CAP. XXV.

An act for the relief of patentees, tenants and farmers of crown-lands and duchy-lands, or of lands within the survey of the court of wards and liveries, in cases of forfeiture for not payment of their rents, or other service or duty.

FORASMUCH as the King's majesty, out of his gracious disposition, is and ever hath been averse from taking any advantage, howsoever lawful and just, against any of his subjects, growing by any forfeiture, breach of condition, or strict interpretation of his Highness's grants or letters patents, or the grants or letters patents of any of his royal predecessors, of any manors, lands, tenements or hereditaments; (2) and yet the grantees or patentees deriving their estates by or from his Majesty or his predecessors, have been too apt and ready to exact the advantage of such forfeiture, where his Majesty himself or his predecessors have not required the same, which hath been ever held an unequal and extreme course, and hath many times been relieved by suits in courts of equity, though with the great charge and trouble of the parties endangered thereby:

No advantage shall be taken against the King's patentees or tenants, or non-payment of rent, &c.

II. For remedy whereof, as well where the King as any of his predecessors or successors hath granted or shall grant the said manors, lands, tenements or hereditaments, or any part thereof, or the reversion or any part thereof, to any other, as where the reversion, remainder or estate thereof is or shall be in the King's majesty, or his successors, in the right of the crown of England, or duchy of Lancaster, or otherwise, his Majesty of his abundant grace towards his loving subjects is graciously pleased that it be enacted; (2) and be it enacted by the King's most excellent majesty, by and with the assent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That if any person or persons, bodies politick or corporate, having, holding or possessing, or which hereafter shall have, hold or possess, any manors, lands, tenements or hereditaments, by virtue or colour of any original grant or lease, or assignment of the same, made by the King's majesty, or any of his predecessors, or to be made by any of his successors, for any number of years, for life or lives, in fee-tail or fee-simple, or other estate, whereupon any rent, service or other duty hath been, is or shall be reserved or payable with or under any condition or limitation of re-entry, cesser, or to be void for default of payment of such rent, or performance of such service or duty, heretofore hath made, or any other by, from or under whom he claimeth, hath made, or any which hereafter shall have, hold or possess, shall make any default therein, and yet after such default made, such rent, service or other duty hath been or shall be answered,

paid

paid or done unto his Maſteſty, or any of his predeceſſors or ſucceſſors, into his or their receipt of the exchequer, or duchy of *Lancaster*, or court of wards, or to any other having authority to receive the ſame, as the caſe ſhall require, before any advantage of ſuch forfeiture or cauſe of forfeiture hath been or ſhall be taken, and before any commiſſion awarded to enquire, or other proceſs iſſued touching the ſaid forfeiture, or non-payment of rent, that in all ſuch caſes no advantage ſhall be taken by his Maſteſty, his heirs or ſucceſſors, of, for or by reaſon of any ſuch forfeiture or cauſe of forfeiture.

III. And be it further enacted, That no perſon or perſons claiming, or which afterwards ſhall claim, by, from or under his Maſteſty, or any of his predeceſſors or ſucceſſors, at any time after ſuch cauſe or title of forfeiture given, ſhall in any wiſe have or take any benefit or advantage, by reaſon, means or colour of ſuch default made or to be made; (2) but that every ſuch eſtate forfeited or forfeitable by means or occaſion of ſuch default of payment of rent, or performance of ſervice or other duty, ſhall be adjudged to continue and have its being, as if no ſuch default or cauſe of forfeiture had been had or made; any law, cuſtom or uſage to the contrary thereof in any wiſe notwithstanding.

CAP. XXVI.

An act againſt ſuch as ſhall levy any fine, ſuffer any recovery, knowledge any ſtatute, recognizance, bail or judgment, in the name of any other perſon or perſons not being privy and conſenting thereto.

WHEREAS it is of late grown to be a great and general grievance to his Maſteſty's ſubjects within the realm of England, and the dominion of Wales, that many lewd perſons of baſe condition, for very little reward or recompence, have of late years uſed and ſtill do uſe to levy fines, and ſuffer recoveries of lands and other hereditaments, to acknowledge ſtatutes, recognizances, bails and judgments, in the name or names of any other perſon or perſons not privy or conſenting to the ſame, which both and daily doth turn to the great iniquitation, charge, trouble and undoing of many of the good ſubjects of this kingdom, and the rather, for that there is no remedy in law to reform theſe and the like abuſes:

II. For remedy whereof, be it enacted by the King's moſt excellent maſteſty, the lords ſpiritual and temporal, and commons, in this preſent parliament aſſembled, and by the authority of the ſame, That all and every perſon and perſons which at any time after the end of this preſent ſeſſion of parliament ſhall acknowledge, or procure to be acknowledged, any fine or fines, recovery or recoveries, deed or deeds inrolled, ſtatute or ſtatutes, recognizance or recognizances, bail or bails, judgment or judgments, in the name or names of any other perſon or perſons not privy or conſenting to the ſame, and being thereof lawfully convicted or attainted, ſhall be adjudged, eſteemed and taken to be felons; (2) and ſuffer the pains of death, and incur

It is felony to levy a fine, ſuffer a recovery, &c. in another's name not privy thereto.

1 Ventr. 301.
Jones. Th. 64.

This felony shall not corrupt the blood, nor take away dower.

As attorney may do it, where judgment is given.

cur ſuch forfeitures and penalties, as felons in other caſes convicted or attainted do by the laws of *England* loſe and forfeit, without the benefit or privilege of clergy to be allowed to any ſuch offender or offenders. (3) Provided always, That ſuch attainder ſhall not be any corruption of blood, nor loſs of dower to the wife, but the next heir ſhall have the lands whereof ſuch perſons attainted died ſeiſed, and ſuch wife her dower, as if no ſuch attainder had been had.

III. Provided always, and be it likewiſe enacted by the authority aforeſaid, That this act ſhall not extend to any judgment or judgments acknowledged by any attorney or attornies of record, for any perſon or perſons againſt whom any ſuch judgment or judgments ſhall be had or given.

C A P. XXVII.

An act to prevent the deſtroying and murtherring of baſtard children.

WHEREAS many lewd women that have been delivered of baſtard children, to avoid their ſhame, and to eſcape puniſhment, do ſecretly bury or conceal the death of their children, and aſter, if the child be found dead, the ſaid women do alledge, that the ſaid child was born dead; whereas it falleth out ſometimes (although hardly it is to be proved) that the ſaid child or children were murdered by the ſaid women, their lewd mothers, or by their aſſent or procurement :

It ſhall be murder for a mother to conceal the death of her baſtard child.

II. For the preventing therefore of this great miſchief, be it enacted by the authority of this preſent parliament, That if any woman after one month next enſuing the end of this ſeſſion of parliament be delivered of any iſſue of her body, male or female, which being born alive, ſhould by the laws of this realm be a baſtard, and that ſhe endeavour privately, either by drowning or ſecret burying thereof, or any other way, either by her ſelf or the procuring of others, ſo to conceal the death thereof, as that it may not come to light, whether it were born alive or not, but be concealed : in every ſuch caſe the ſaid mother ſo offending ſhall ſuffer death as in caſe of murder, except ſuch mother can make proof by one witneſs at the leaſt, that the child (whoſe death was by her ſo intended to be concealed) was born dead. (2) and this act to continue until the end of the firſt ſeſſion of the next parliament. 3 Car. 1. c. 14. Continued until the end of the firſt ſeſſion of the next parliament, and farther continued by 16 Car. 1. cap. 4.

C A P. XXVIII.

An act for continuing and reviving of divers ſtatutes, and repeal of divers others.

Ships.
21 H. 8. c. 12.

BE it enacted by the authority of this preſent parliament, That one act made in the one and twentieth year of the reign of the late King *Henry* the Eighth, intituled, *An act for true making of cables, balſers and ropes* : (2) and an act made in the four and twentieth year of the reign of the ſaid King *Henry*

Henry the Eighth, intituled, An act againſt killing of young beaſts Cattle.
called weanlings: (3) and two acts made in the parliament ^{24 H. 8. c. 9.}
 holden at *Weſtminſter* by prorogation the fourth day of *November*, and continued until the firſt day of *February* next
 after, in the third and fourth years of the reign of the late
 King *Edward the Sixth*; the one intituled, *An act for the* ^{3 & 4 Ed. 6.}
buying and ſelling of rother-beaſts and cattle; (4) the other inti- ^{c. 19.}
 tuled, *An act for the buying and ſelling of butter and cheeſe:* (5) ^{Viſtual.}
 and one act made in the firſt year of the reign of the late ^{3 & 4 Ed. 6.}
 Queen *Elizabeth*, intituled, *An act for the preſervation of* ^{c. 21.}
ſpawm and fry of fiſh: (6) and an act made in the fifth year ^{Fiſh:}
 of the reign of the ſaid late Queen *Elizabeth*, intituled, *An* ^{1 Eliz. c. 17.}
act for avoiding divers foreign wares made by handicraftſmen ^{Merchants.}
beyond the ſeas: (7) and ſo much of one act made in the ^{5 Eliz. c. 7.}
 ſaid fifth year of the reign of the ſaid late Queen *Elizabeth*, ^{Fiſh.}
 intituled, *An act touching certain politick conſtitutions made for* ^{5 Eliz. c. 5.}
the maintenance of the navy, as is not repealed by any later
 ſtatute, nor doth concern the transportation of herring or
 other ſea-fiſh, nor freedom of cuſtom, ſubſidy or tonnage for
 the ſame, nor transportation of corn, nor the prohibiting the
 bringing into this realm any cod or lings in barrells, or
 other caſks; together with all and every other additions,
 explanations and alterations made thereunto or thereof, or
 of any part thereof, by any ſtatute or ſtatutes made ſithence
 the making of the ſaid laſt mentioned act, and in force the
 laſt day of the ſeſſion of parliament that was in the ſeventh
 year of his Maſteſty's reign of *England*: (8) and an act made ^{Games.}
 in the eighth year of the reign of the ſaid late Queen *Eliz-* ^{8 Eliz. c. 10.}
abeth, intituled, *An act for bowyers, and the prices of bows:*
 (9) and three acts made in the thirteenth year of her ſaid
 Maſteſty's reign, one intituled, *An act that purveyors may take* ^{Purveyors.}
corn and viſtuals within five miles of Cambridge and Oxford, ^{11 Eliz. c. 21.}
in certain caſes; (10) one other, *An act againſt frauds deſeat-* ^{Eccleſiaſtical}
ing remedies for dilapidations of eccleſiaſtical livings, and for leaſes ^{perſons.}
to be granted by the collegiate churches; (11) another intituled; ^{13 Eliz. c. 10.}
An act touching leaſes of benefices, and other eccleſiaſtical livings
with cure; (12) together with all and every explanations, ad- ^{Leaſes.}
 ditions and alterations thereof, or of any of them, or to any ^{13 Eliz. c. 10.}
 of them, made by ſeveral ſtatutes of the fourteenth, eight- ^{14 Eliz. c. 11.}
 eeneth and three and fortieth year of her ſaid late Maſteſty's ^{18 Eliz. c. 11.}
 reign: (13) and ſo much of an act made in the fourteenth ^{41 Eliz. c. 9.}
 year of the reign of the ſaid late Queen *Elizabeth*, intituled, ^{Poot.}
An act for the puniſhment of vagabonds, and for the relief of ^{14 Eliz. c. 5.}
the poor and impotent, as concerneth the taxing, rating, le- ^{18 Eliz. c. 3.}
 vyng, receiving and imployng of gaol-money: (14) and ſo
 much of an act made in the eighteenth year of the reign of
 the ſaid late Queen *Elizabeth*, intituled, *An act for ſetting the*
poor on work, and avoiding idleneſs, as concerneth baſtards be-
 gotten out of lawful matrimony: (15) and an act made in
 the ſaid eighteenth year of the reign of the ſaid late Queen
Elizabeth,

- Ways.**
18 Eliz. c. 20. *Elizabeth*, intituled, *An act for the repairing and amending of the bridges and highways near unto the city of Oxford*: (16) and two acts made in the seven and twentieth year of the reign of the said late Queen *Elizabeth*, the one intituled, *An act for the maintenance of the pier and cob of Lyme-Regis in the county of Dorset*: (17) and the other intituled, *An act for the good government of the city or borough of Westminster*; (18) and two other acts made in the said seven and twentieth year of the reign of the said late Queen *Elizabeth*, the one intituled, *An act for the reviving of a former statute for the true making of malt*; (19) and the other intituled, *An act for the keeping the sea-banks and sea-works in the county of Norfolk*: (20) and an act made in the one and thirtieth year of her said Majesty's reign, intituled, *An act for the true gaging of vessels brought from beyond the seas, converted by brewers for the utterance and sale of ale and beer*: (21) and two acts made in the five and thirtieth year of her said late Majesty's reign, the one intituled, *An act for the reformation of sundry abuses in clothes called Devonshire kersies or dozens, according to a proclamation of the four and thirtieth year of her said Majesty's reign*; (22) the other intituled, *An act for the bringing in of clap-board from the parts beyond the seas, and the restraining of the transporting of wine casks, for the sparing and preserving of timber within the realm*: (23) and so much of one act made in the said five and thirtieth year of the reign of the said late Queen *Elizabeth*, intituled, *An act to retain the Queen's majesty's subjects in their due obedience*, as hath not been thence repealed by any other statute: (24) and the several acts hereafter mentioned, made in the thirty-ninth year of the reign of the said late Queen *Elizabeth*, that is to say, An act intituled, *An act for the punishment of rogues, vagabonds and sturdy beggars*, with the provision annexed thereunto by one act made in the first year of the King's majesty's reign that now is, intituled, *An act for the continuing and reviving of divers statutes, and for repealing of some others*: (25) an act intituled, *An act for the increase of mariners, and for maintenance of navigation*, repealing a former act made in the twenty-third year of her said Majesty's reign, bearing the same title; (26) An act, intituled, *An act for the explanation of the statute made in the fifth year of her said Majesty's reign, concerning labourers*; (27) An act intituled, *An act prohibiting the bringing into this realm of foreign cards for wool*: (28) An act intituled, *An act for excessive making of malt*; (29) An act intituled, *An act against lewd and wandring persons, pretending to be soldiers or mariners*: (30) and the several acts hereafter mentioned, made in the three and fortieth year of the reign of the said late Queen *Elizabeth*, that is to say, An act intituled, *An act for the necessary relief of soldiers and mariners*, (31) An act, intituled, *An act to avoid trifling and frivolous suits in law in her Majesty's courts at Westminster*; (32) An act, intituled, *An act for the relief of the poor*, with the addition thereunto made by an act made in the first year of his Majesty's reign of England, intituled, *An act for*
- Sewers.**
27 Eliz. not printed.
- Franchise.**
27 Eliz. not printed.
- Corn.**
27 Eliz. c. 14.
- Sewers.**
27 Eliz. c. 24.
- Ale.**
31 Eliz. c. 8.
- Drapery.**
35 Eliz. c. 10.
- Merchants.**
35 Eliz. c. 11.
- Pope.**
35 Eliz. c. 1.
- Poor.**
39 Eliz. c. 4.
- Continuance.**
1 Jac. 1. c. 25.
- Fish.**
39 Eliz. c. 10.
- Apprentice.**
39 Eliz. c. 12.
- Eliz. c. 4.**
5 Eliz. c. 4.
- Drapery.**
39 Eliz. c. 14.
- Corn.**
39 Eliz. c. 16.
- Poor.**
39 Eliz. c. 17.
- Eliz. c. 3.**
43 Eliz. c. 3.
- Suits.**
43 Eliz. c. 6.
- Poor.**
43 Eliz. c. 1.
- Continuance.**

continuing of divers statutes, and for repeal of some others; (33) and with this further addition, and be it enacted, That all persons to whom the overseers of the poor shall, according to the said act, bind any children apprentices, may take and receive, and keep them as apprentices; any former statute to the contrary notwithstanding: (34) An act, intituled, *An act for the true making and working of woollen cloth*; (35) An act, intituled, *An act to prevent perjury and subornation of perjury, and unnecessary expence in suits of law*: (36) and the severall acts made in the first year of the reign of our now sovereign lord the King, after mentioned; one intituled, *An act made for the explanation of the statute made in the fifth year of the late Queen Elizabeth's reign concerning labourers*; (37) another intituled, *An act for the continuance and explanation of the statute made in the nine and thirtieth year of the reign of the late Queen Elizabeth, intituled, An act for punishment of rogues, vagabonds and sturdy beggars*: (38) another intituled, *An act to take away the benefit of clergy, for some kind of manslaughter*: (39) another intituled, *An act to restrain the inordinate haunting and tipling in inns, alehouses and other victualling-houses*: (40) another intituled, *An act for avoiding deceit in selling, buying or spending corrupt and unwholesome hops*: (41) another act, intituled, *An act concerning tanners, carriers, shoemakers and other artificers occupying the cutting of leather, saving for such part thereof as is repealed by one other act made in the fourth year of his Majesty's reign of England, in that behalf*: (42) another, intituled, *An act for the better execution of the intent and meaning of former statutes made against shooting in guns, and for the preservation of game of pheasants and partridges, and against the destroying of hares with hare-pipes, and tracing hares in the snow*: (43) and another, intituled, *An act for the charitable relief, and ordering of persons infected with the plague*: (44) and the severall acts made in the third year of the reign of our said sovereign lord King James after mentioned, the one intituled, *An act for avoiding unnecessary delays of execution*: (45) another intituled, *An act for the relief of such as lawfully use the trade and handicraft of skimmers*: (46) another, intituled, *An act for the raising and levying of the charges for conveying malefactors and offenders to the gaol*: (47) another act, intituled, *An act for transportation of beer over the seas*: (48) and another, intituled, *An act for repairing of the highway from Nonfuch to Talworth, in the parishes of Ewell and Long-Ditton in the county of Surrey, leading to Kingston upon Thames in the county aforesaid*: (49) and that the severall acts made in the fourth year of the reign of our now sovereign lord King James after mentioned; the one intituled, *An act for the true making of woollen clothes*: (50) another intituled, *An act for the repressing the odious and loathsome sin of drunkenness*: (51) and another, intituled, *An act for the better provision of meadow and pasture, for the necessary maintenance of husbandry and tillage in the manors, lordships and parishes of Marden, alias Mawarden, Bodenham, Wellington, Sutton St. Michael, Sutton St. Nicholas, Murton upon Luge, and the parish of Pipe and every of them, in the county of Hereford*: (52) and

1 Jac. 1. c. 25.

Poor.

The overseers

of the poor

may put out

apprentices.

Drapery.

43 Eliz. c. 10.

Certiorari.

43 Eliz. c. 5.

Apprentice.

1 Jac. 1. c. 6.

Poor.

5 Eliz. c. 4.

1 Jac. 1. c. 7.

39 Eliz. c. 4.

Corn.

1 Jac. 1. c. 8.

Ale.

1 Jac. 1. c. 9.

Corn.

1 Jac. 1. c. 18.

Leather.

1 Jac. 1. c. 22.

4 Jac. 1. c. 6.

Fowl.

1 Jac. 1. c. 27.

Poor.

1 Jac. 1. c. 31.

Error.

3 Jac. 1. c. 8.

Leather.

3 Jac. 1. c. 9.

Imprisonment.

3 Jac. 1. c. 10.

3 Jac. 1. c. 19.

Ways.

3 Jac. 1. c. 11.

Drapery.

4 Jac. 1. c. 2.

Ale.

4 Jac. 1. c. 31.

Husbandry.

4 Jac. 1. c. 11.

- Scotland. (52) and the ſeveral acts made in the ſeventh year of the reign of
 7 Jac. 1. c. 1. our ſaid ſovereign lord King James after mentioned; the one intituled, *An act for the better execution of juſtice, and ſuppreſſing of criminal offenders in the north parts of the kingdom of England*: (53) another intituled, *An act for the due execution of divers laws and ſtatutes heretofore made againſt rogues, vagabonds and ſturdy beggars, and other lewd and idle perſons*: (54) another, intituled, *An act for eaſe in pleading, againſt troubleſome and contentious ſuits proſecuted againſt juſtices of the peace, mayors, conſtables and certain other his Maſteſty's officers, for the lawful execution of their office*: (55) another, intituled, *An act to prevent the ſpoil of corn and grain by untimely hawking, and for the better preſervation of pheasants and partridges*: (56) another, intituled, *An act to avoid the double payment of debts*: (57) another, intituled, *An act for the explanation of one ſtatute made in the third year of the reign of our now ſovereign lord King James, intituled, An act againſt unlawful hunting and ſtealing of deer and conies*: (58) another, intituled, *An act againſt burning of ling, heath and other moor-burning in the counties of York, Durham, Northumberland, Cumberland, Weſtmoreland, Lancaſter, Derby, Nottingham and Leiceſter; at unſeaſonable times in the year*: (59) another, intituled, *An act for the taking, landing and carrying of ſea-ſand, for the bettering of grounds, and for the increaſe of corn and tillage within the counties of Devon and Cornwall*: (60) and another, intituled, *An act for the ſpeedy recovery of many thouſand acres of marſh ground within the counties of Norfolk and Suffolk, lately ſurrounded by the rage of the ſea, in divers parts of the ſaid counties, and for the prevention of the danger of the like ſurrounding hereafter*; (61) ſhall by virtue of this act be adjudged, ever ſince the ſeſſion of parliament in the ſeventh year of his Maſteſty's reign of England, to have been of ſuch force and effect as the ſame were the laſt day of that ſeſſion, and from thenceforth until the end of the firſt ſeſſion of the next parliament.
- Poor. 7 Jac. 1. c. 4.
- Pleading. 7 Jac. 1. c. 5.
- Fowl. 7 Jac. 1. c. 11.
- Debt. 7 Jac. 1. c. 12.
- 7 Jac. 1. c. 13.
- Foreſt. 3 Jac. 1. c. 13.
- Husbandry. 7 Jac. 1. c. 17.
- 7 Jac. 1. c. 18.
- Sewers. 7 Jac. 1. c. 20.
- The 58 ſtatutes above-mentioned continued until the next parliament.

II. Provided nevertheless, That ſo much of every of the ſaid acts, as by any new act made in this ſeſſion of parliament, ſhall be explained, altered or repealed, ſhall for ſo much thereof, from the end of this ſeſſion of parliament, ſtand and be in force, as by thoſe other acts ſhall be ordained.

Corn.
 When corn
 may be transported.
 3 Car. 1. c. 4.

III. Provided alſo, and be it further enacted by the authority of this preſent parliament, That when the prices, of corn or grain exceed not the rates hereafter following, at the times, havens and places, when and where the ſame corn or grain ſhall be bought, ſhipped or loaden, *viz.* The quarter of wheat at two and thirty ſhillings, the quarter of rye at twenty ſhillings, the quarter of pease and beans at ſixteen ſhillings, the quarter of barley or malt at ſixteen ſhillings, of current *Engliſh* money; That then it ſhall and may be lawful for all and every perſon and perſons, being ſubjects of the King's maſteſty, his heirs or ſucceſſors, to carry and transport of his own, (2) and to buy to ſell again in markets and out of markets, and to keep or ſell, or carry and transport any of the ſaid corn and grain, from the places where they ſhall be of ſuch prices, unto any parts beyond
 the

the fease in amity with his Majesty, as merchandize in ships, crays or other vessels, whereof any *English*-born subject or subjects then shall be the owner or owners, or the same to carry and sell in other places within this realm or dominions thereof; any law, usage or statute to the contrary hereof notwithstanding: (3) and that the King's majesty, his heirs and successors, shall have and receive by the customers and officers of his ports, for the custom or poundage of every quarter of wheat, to be transported by force of this statute out of this realm, two shillings; of every quarter of other grain, sixteen pence: which said several sums so to be had and taken as custom or poundage, shall be in full satisfaction of all manner of custom or poundage for the said corn or grain, by any constitution, order, statute, law or custom heretofore made, used or taken, for transporting of any such manner of corn or grain.

The custom and poundage of corn.

IV. Provided always, and be it enacted by the authority of this present parliament, That the King's majesty, his heirs and successors, may at all times by his and their writ of proclamation, to be published generally in the whole realm, or in any of the counties of the realm where any port towns are, command, That no person shall by virtue of this act transport or convey any manner of grain out of his Highness dominions generally, or out of any special ports to be in the same proclamation particularly named, for such time as shall be therein limited and appointed: (2) and it shall not be lawful for any person to carry out any such grain, contrary to the tenor of the same proclamation, upon such pains and forfeitures as by the laws and statutes of this realm are and have been provided and ordained in that behalf; this act or any thing therein contained to the contrary notwithstanding.

The King by proclamation may restrain transportation of corn.

V. Provided also, and be it enacted, That no person or persons shall incur any penalty for want of length, breadth or weight of *Welsh* cottons, under the price of fifteen pence the yard, or two shillings the good, so as they be not mixt with hair or other deceitful stuff, nor for any others above that price, except they be mixt as aforesaid, or shall shrink above the rate of half a yard in twelve yards of length, or weigh less than fourteen ounces the yard, or hold not full three quarters of a yard broad.

Drapery.
Welsh cottons.
26 Ed. 6. c. 6.
l. 16.
4 & 5 Ph. & M.
c. 5. l. 11.

VI. And be it further enacted by the authority aforesaid, That all statutes heretofore made, that take away sanctuary for any offence, shall for so much as concerneth the taking away of such sanctuary be revived, and shall be and stand in force and power; any words of repeal contained in the statute made in the first session of parliament held in the first year of his Majesty's reign of England, intituled, *An act for continuing and reviving divers statutes, and for repealing of some others*, or in this present act to the contrary notwithstanding.

Sanctuary.
All statutes that concern the taking away of sanctuaries, revived.
1 Jac. 1. c. 25.

VII. And be it also enacted by the authority of this present parliament, That no sanctuary or privilege of sanctuary shall be hereafter admitted or allowed in any case. 22 H. 8. cap. 14.

All sanctuaries taken away.

VIII. And

3 Inst. 115, 117.

Oath.

5 Eliz. c. 9.

in titulo,

29 Eliz. c. 5.

1 Jac. 1. c. 25.

1 Jac. 1. c. 25.

s. 29.

5 Eliz. c. 9.

made perpetual.

Fowl.

25 H. 8. c. 11.

1 & 4 Ed. 6. c. 7.

Ways.

2 M. Scell. 3. c. 5.

Ousterlemere.

4 Ed. 3. c. 8.

13 R. 2. Stat. 1.

c. 20.

4 Ed. 4. c. 10.

9 Ed. 3. c. 8.

Fowl.

37 Ed. 3. c. 3.

Measures,

34 Ed. 3. c. 6.

VIII. And whereas in a session of parliament holden in the fifth year of the reign of the late Queen Elizabeth, one act was made, intituled, An act for the punishment of such as shall procure or commit perjury: and by one other act made in the session of parliament begun in the eight and twentieth year of the reign of the said late Queen Elizabeth, it was enacted, That the said act should from thenceforth be, remain and continue in force and effect for ever: (2) and yet nevertheless in the parliament holden in the first year of his Majesty's reign of England, by one act, intituled, An act for continuing, and reviving of divers statutes, and for repealing of some other, it was amongst other things enacted, That the said act made in the said fifth year of the said late Queen Elizabeth, for punishment of perjury, should be revived, and continued until the end of the first session of the next parliament; (3) it is now declared and enacted by authority of this present parliament, That the said act concerning perjury made in the said fifth year, and every clause, branch, article and provision therein, doth now stand, and shall from henceforth be, remain and continue in force and effect for ever:

IX. And be it also enacted, That one part of the statute made in the five and twentieth year of the reign of the late King Henry the Eighth, intituled, An act for the destruction of wild fowl, which was repealed by a later act made in the parliament holden in the third and fourth years of the reign of the late King Edward the Sixth, shall be revived and stand in force until the end of the first session of the next parliament.

X. And be it also enacted, That one act made in the first year of the reign of the late Queen Mary, for and concerning the making, repairing and amendment of the common highway and causey in the counties of Dorset and Somerset, between the towns of Shaftsbury and Sherborn in the same county of Dorset, be revived and stand in force until the end of the first session of the next parliament.

XI. And be it further enacted by authority of this present parliament, That one statute made in the fourth year of the reign of the late King Edward the Third, reciting, That before that time a horseman was wont to have his passage over the sea from the port of Dover for two shillings, and a footman for sixpence, and ordering concerning passage at Dover and other places, as in the said statute is contained: (2) and one other statute made in the thirteenth year of the reign of the late King Richard the Second, by which it is enacted, That all pilgrims, and all other people, except certain persons in that statute, excepted, shall pass at the ports of Dover and Plymouth, and not elsewhere, without special licence of the King himself: (3) and one statute made in the fourth year of the reign of the late King Edward the Fourth, concerning passage from Dover, and all other statutes therein recited or mentioned: (4) and one other statute made in the seven and thirtieth year of the reign of the late King Edward the Third, concerning the prices of poultry: (5) and one statute made in the four and thirtieth year of the reign of the late King Edward the Third, concerning weights and measures,

meaſures and beginning, where it is contained in the great charter, that one meaſure ſhall be uſed through the realm, and by which it is ordained, That certain articles ſhall be holden and kept, upon the pains contained in a ſtatute made in the eight and twentieth year of the reign of the late King *Edward* the Third: (6) and one other ſtatute made in the ſaid four and thirtieth year of the reign of the ſaid late King *Edward* the Third, by which it is ordained, That the paſſage of corn ſhall be defended in all the ports of *England*, ſo that none have licence or warrant to paſs with ſuch corn in any wiſe, unleſs it be to certain places in the ſaid act ſpecified: (7) and one ſtatute made in the ſeventeenth year of the reign of the late King *Richard* the Second, whereby licence is granted to all the King's liege people to ſhip and carry corn out of the realm: (8) and one ſtatute made in the third year of the reign of the late King *Edward* the Fourth, concerning corn not to be brought into the realm in certain caſes: (9) and one ſtatute made in the fourth year of the reign of the late King *Henry* the Seventh, concerning the prices of hats and caps: (10) and one other ſtatute made in the fourteenth year of the reign of the late King *Richard* the Second, ordering that the paſſage of tin out of the realm ſhall be at the port of *Dartmouth*, and no where elſe: (11) and one other ſtatute made in the fifteenth year of the reign of the late King *Richard* the Second, concerning carriage of tin to *Calais*: (12) and one ſtatute made in the fourth year of the reign of the late King *Henry* the Fifth, concerning making of pattens of aſp: (13) and one ſtatute made in the ſix and thirtieth year of the reign of the late King *Edward* the Third, concerning ſtipend and wages of prieſts, and prieſts paſſing from one dioceſe to another: (14) and one other ſtatute made in the ſecond year of the reign of the late King *Henry* the Fifth, concerning wages or ſtipend of chaplains and prieſts: (15) and ſo much of one act made in the fourth year of the reign of King *Henry* the Seventh, as appointed the rates and prices how broad cloths of the colour of ſcarlet, or other colours, and other cloths ſhall be ſold: (16) and one ſtatute made in the eleventh year of the reign of the late King *Henry* the Seventh, concerning vagabonds, unlawful games and alehouſes, and every part thereof, together with one ſtatute made in the time of the late King *Richard* the Second therein mentioned: (17) and one ſtatute made in the nineteenth year of the reign of the late King *Henry* the Seventh, concerning vagabonds, beggars, unlawful games and alehouſes, and every part thereof: (18) and one ſtatute made in the three and twentieth year of the reign of the late King *Edward* the Third, concerning valiant beggars: (19) and one other ſtatute made in the ſeventh year of the reign of the late King *Richard* the Second, concerning roberts-men, draw-latches, vagabonds and ſaitors: (20) and ſeven ſeveral acts and ſtatutes made in the twelfth year of the reign of the late King *Richard* the Second, whereof the firſt concerneth artificers, labourers, ſervants, victuallers; (21) the ſecond

- 12 R. 2. c. 5. concerneth wages of servants; (22) the third concerneth labouring at plough and cart; (23) the fourth concerneth servants bearing of buckler, swords and daggers, and using unlawful games; (24) the fifth concerning persons that go a begging; (25) the sixth concerning those that feign themselves men travelling out of the realm, and there to be imprisoned; (26) and the seventh concerneth the execution of the ordinances aforesaid concerning servants, labourers, beggars and vagabonds: (27) and one act or statute made in the two and twentieth year of the reign of the late King *Henry* the Eighth, intituled, *An act how aged, poor and impotent persons, compelled to live by alms, shall be ordered, and how vagabonds and mighty strong beggars shall be punished, and every part thereof*: (28) and one act or statute made in the third year of the reign of the late King *Edward* the Sixth, intituled, *An act touching the punishment of vagabonds, and other idle persons*: (29) and one statute made in the eleventh year of the reign of the late King *Henry* the Sixth, concerning wax-chandlers, the price of candles, and other things wrought of wax: (30) and that part of one statute, commonly called *Statutum de piscatoribus*, c. 5. [1 Vol. 391.] which ordaineth, That the assize of wine shall be kept according to the assize of our sovereign lord the King, that is to wit, a sextern at twelvenpence; and that if the taverners exceed the same assize, their doors shall be shut up by the mayors and bailiffs, and shall not be suffered to sell wine until they have obtained licence of the King: (31) and one statute made in the four and twentieth year of the reign of the late King *Henry* the Eighth, intituled, *An act concerning the sale of wines*: (32) and that part of one statute made in the eight and twentieth year of the reign of the late King *Henry* the Eighth, by which it is ordained, That no person or persons shall sell any *Gascoigne*, *Guyen* or *French* wines, above certain prices in that act mentioned, under the pain in the said act specified; and that no *Malmseys*, *Romneys*, *Sacks*, or other sweet wines, shall be sold by retail above the prices therein contained, under the pains in that act mentioned: (33) and also that part of a statute made in the five and twentieth year of the reign of the late King *Henry* the Eighth, by which it is enacted, That the lords and owners of the meales, tenements or cottages in the city of *Worcester* and other towns and boroughs in the said act mentioned, should at no time after that admit, set or let any mease, tenement or cottage sufficiently repaired within the said city, borough or towns in that act limited, to any person or persons that after that should inhabit in the said city, borough or towns, and exercising the mysteries or craft in that act mentioned, at any higher rent, imposition or charge, than was given for the same at any time within twenty years next before the making of that act: (34) and one act made in the fourth year of King *Henry* the Seventh, concerning houses of husbandry and tillage: (35) and one act made in the seventh year of King *Henry* the Eighth, intituled, *An act to avoid letting down of towns*: (36) and one act made in the
- 12 R. 2. c. 6.
12 R. 2. c. 8.
11 R. 2. c. 7.
12 R. 2. c. 8.
Poor.
12 R. 2. c. 9.
22 H. 8. c. 12.
5 & 4 Ed. 6.
c. 16.
Wax.
11 H. 6. c. 12.
24 H. 8. c. 6.
28 H. 8. c. 14.
Drapery.
25 H. 8. c. 18.
Husbandry.
4 H. 7. c. 19.
7 H. 8. c. 11.
27 H. 8. c. 22.

seven and twentieth year of King *Henry* the Eighth, intituled, *An act concerning decay of houses and inclosures*: (37) and one act made in the fifth year of the reign of King *Edward* the Sixth, intituled, *An act for the maintenance of tillage, and increase of corn*: (38) and one act made in the fifth year of the reign of Queen *Elizabeth*, intituled, *An act for maintenance and increase of tillage*: (39) and that part of the statute made in the seven and twentieth year of the reign of the late King *Henry* the Eighth, by which it was ordained, That all and singular persons, bodies politick and corporate, to whom the King's majesty after that should give, grant, let, set or demise any site or precinct, with the houses thereupon builded, together with the demesnes of any monastery, priory or other religious houses, that should be dissolved or given to the King by that act, should be bound to keep house and household, and occupy demesnes in ploughing and tilling of husbandry, as in that act is specified, under the pains therein contained: (40) and one statute made in the fourteenth year of the reign of the late King *Richard* the Second, against buying of wool of others than of the owner of the sheep and tithe, and every clause in the same statute: (41) and that part of one statute made in the eighth year of the reign of the late King *Henry* the Sixth, by which it is enacted, That no man may buy yarn of wool, called woollen yarn, unless he will make cloth thereof: (42) and one statute made in the fifth and sixth year of the reign of the late King *Edward* the Sixth, intituled, *An act limiting the times of buying and selling of wools*: (43) and one statute made in the three and thirtieth year of the reign of the late King *Henry* the Eighth, intituled, *An act concerning keeping of great horses*: (44) and so much of the statute made in the reign of King *Edward* the First, commonly called the statute of *Winchester*, as concerneth the having, keeping, and view of harness and arms: (45) and that part of the statute commonly called *articuli super chartas*, by which it is ordained, That none shall make rings, crosses or locks: (46) and one statute made in the seven and thirtieth year of the reign of the late King *Edward* the Third, by which it is ordained, That makers of white vessels shall not gild: (47) and that part of one statute made in the second year of the reign of the late King *Henry* the Fifth, by which goldsmiths are prohibited to take more than forty-six shillings and eight-pence for a pound *Troy* of silver gilt: (48) and one statute made in the second year of the reign of the late King *Henry* the Sixth, by which it is enacted, That no silver be bought for more than thirty shillings the pound of *Troy*: (49) and one statute made in the second year of the reign of the late King *Henry* the Fourth, against bringing in coin of *Flanders*, *Scotland*, and other foreign coin: (50) and one statute made in the second year of the reign of the late King *Henry* the Fourth, by which it is enacted, That no *Welshman* whole born in *Wales*, and having father and mother born in *Wales*, shall purchase lands and tenements within the town of *Chester*, and other places named in that act; and that no *Welshman*

5 & 6 Ed. 6. c. 5.

5 Eliz. c. 2.

Abbey.
17 H. 8. c. 24.Wool:
14 R. 2. c. 4.Weights.
8 H. 6. c. 5.Wool.
5 & 6 Ed. 6. c. 7.Cattle.
33 H. 8. c. 5.War.
13 Ed. 1. stat. 2.
c. 6.Metal.
28 Ed. 1. stat. 3.
c. 20.

37 Ed. 3. c. 7.

2 H. 5. stat. 2.
c. 4.

2 H. 6. c. 13.

Money.
2 H. 4. c. 6.Wales.
2 H. 4. c. 12.

- man shall be chosen a citizen or burgeſſes in any city, borough or merchant town; and that *Welſhmen* be not put in certain offices, nor bear arms, and every claufe thereof: (51) and one other ſtatute made in the ſame year concerning arreſts made by the inhabitants of *Wales*, and driving of diſtreſſes into *Wales*:
- 2 H. 4. c. 16. (52) and one other ſtatute made in the ſame year concerning *Welſhmen* entering into the counties adjoining, and in the ſame do kill, burn, raviſh, and commit any other felony or treſpaſs:
- 2 H. 4. c. 17. (53) and one other ſtatute made in the ſame year, by which it is enacted, That the lords of the marches of *Wales* ſhall ordain and ſet ſufficient ſtuffing and ward in their caſtles, and ſeigniories of *Wales*: (54) and one other ſtatute made in the ſame year, by which it is eſtabliſhed, That no *Welſhmen* be received to purchaſe lands or tenements within *England*, nor within the boroughs or *Engliſh* towns of *Wales*; nor that no *Welſhman* ſhould be accepted burgeſſes, nor to have any other liberty within the realm, nor within the boroughs and towns aforeſaid, and every claufe in every of the ſaid ſtatutes made in the ſaid ſecond year:
- 4 H. 4. c. 26. (55) and one ſtatute made in the fourth year of the reign of the late King *Henry* the Fourth, whereby it is ordained, That no *Engliſhman*, liege to the King, be convicted by any *Welſhman*; nor that *Engliſh* burgeſſes which have married *Welſhwomen*, have franchises with *Engliſh* burgeſſes: (56) and one other ſtatute made in the ſame year by which it is ordained, That no congregations be made or ſuffered to be made by the *Welſhmen*, but as in the ſaid ſtatute is appointed: (57) and one other ſtatute made in the ſame year, concerning ſending and bringing merchandize and armour into *Wales*: (58) and one other ſtatute made in the ſame year, concerning *Welſhmen* not having of caſtle, fortrefs or houſe of defence to keep: (59) and one other ſtatute made in the ſame year, That *Welſhmen* ſhall not be made juſtice, chamberlain, nor have certain other offices in the ſaid ſtatute mentioned: (60) and one other ſtatute made in the ſame year, concerning ſtoring of the caſtles and towns in *Wales* with *Engliſh*: (61) and one other ſtatute made in the ſame year, That *Engliſhmen* marrying *Welſhwomen*, ſhall not be put in offices; and every claufe of the ſaid ſtatute made in the ſaid fourth year: (62) and one ſtatute made in the ninth year of the reign of the ſaid late King *Henry* the Fourth, concerning felonies and robberies done within any ſeignory of *South-Wales*: (63) and ſo much of one ſtatute made in the twenty-fifth year of the reign of the late King *Henry* the Sixth, as concerneth the confirming of ſtatutes made before that time againſt *Welſhmen*, and making void grants of franchises made to *Welſhmen*, and concerning villains in *Wales*: (64) and that part of one ſtatute made in the thirteenth year of the reign of King *Richard* the Second, by which it is ordained, That hoſtlers ſhall ſell hay and oats at a reaſonable price, ſo that they take not but one half-peny over the common price in the market; (65) and that part of one other ſtatute made in the fourth year of the reign of King *Henry* the Fourth, by which it is enacted,
- Hoſtler.
23 R. 2. ſtat. 1.
c. 8.
- Hoſtler.
4 H. 4. c. 25.
- That

That hoſtlers ſhall incur the quadruple value of that that he hath taken over one half-peny of every buſhel of oats above the common price in the market : (66) and one part of the ſtatute made in the fourth and fifth year of the reign of the late King *Philip* and Queen *Mary* and other ſtatutes, by which it is enacted, That none ſhall put to ſale within the realm of *England* any coloured cloth of any other colour or colours, than are in theſe acts mentioned : (67) and one other part of the ſame ſtatute of *Philip* and *Mary*, by which it is ordained, That after the firſt day of *May* then next coming, none ſhall uſe or exerciſe the feat or myſtery of making, weaving or rowing of woollen clothes long or ſhort, or kerſies, pinned whites or plain ſtraits, to the intent to put the ſame to ſale, but only in a market-town where cloth had uſed to be made by the ſpace of ten years then laſt paſt, or in a city, borough or town corporate, upon the pains therein contained : (68) and one ſtatute made in the eighteenth year of the reign of the late Queen *Elizabeth*, for toleration of certain clothiers to dwell out of towns corporate : (69) ſhall be by virtue of this act repealed.

Drapery.

4 & 5 Ph. & M.

c. 5.

5 & 6 Ed. 6. c. 6.

18 Eliz. c. 16.

The 71 afore-

ſaid ſtatutes

repealed.

XII. And be it alſo enacted, That ſo much of the ſtatute made in the thirty-ſecond year of the reign of the late King *Henry* the Eighth, intituled, *An act concerning the breed of horſes of higher ſtature*, as concerneth or inhibiteth the putting of horſes into certain grounds, unleſs they be of ſtatures in that act mentioned, under the pains therein contained, and that giveth authority to kill mares, fillies, foals or geldings, in certain caſes in that act mentioned, ſhall not extend to the county of *Cornwall* after the end of this ſeſſion of parliament.

Cattle.

32 H. 8. c. 13.

ſhall not ex-

tend to the

county of

Cornwall.

CAP. XXIX.

An act to enable the moſt excellent prince Charles to make leaſes of *EXP.* lands, parcel of his Highneſs duchy of Cornwall, or annexed to the ſame.

CAP. XXX.

A meſſuage called York-houſe, and divers other meſſuages and tenements, part of the poſſeſſions of the archbiſhop of York, ſituate in the pariſh of St. Martin's in the fields in the county of Middleſex, aſſured unto the King's moſt excellent majeſty, his heirs, ſucceſſors and aſſigns ; and the manors or lordſhips of Brighton, Santon, Acombe, alias Acom, with Holgate, and the grange called Beckhey grange in the county of York, or in the county of the city of York, part of his Majeſty's poſſeſſions, aſſured to Toby, lord archbiſhop of York and his ſucceſſors,

CAP. XXXI.

The makers of knives and other cutlery wares in Hallamſhire in the county of York, made a corporation : divers orders for the better government of the ſame corporation.

C A P. XXXII.

An act for making the river of Thames navigable for barges, boats and lighters, from the village of Bercot, in the county of Oxon, unto the university and city of Oxon.

The conveniencies of having the river of Thames navigable to the city of Oxford.

WHEREAS the clearing and effecting of a passage for barges, boats and lighters, by the river of Thames, to the university and city of Oxon, will be very convenient for conveyance of free-stone, commonly called Oxford stone, or Heddington stone, from Bullington quarry, near the said city and river of Thames, by the said passage, to the city of London and other parts, and most profitable and necessary to and for the said university and city of Oxon, for conveyance thereby of coals, fuel and other necessities, to the said university and city, whereof there is now very great scarcity and want, and far greater hereafter like to grow, if some help therefore be not made and provided: (2) and also the said passage will be very behoveful for preserving of the highways leading to and from the said university and city, and other parts thereof, which now by continual carriages by carts are so worn and broken, that in winter season they are for travellers dangerous, and hardly to be amended and continued passable without exceeding charge: (3) and whereas the said river of Thames, for many miles beyond the said city of Oxford, westward, is already navigable and passable for boats of good burthens and contents, and likewise is already navigable for barges from London to the village of Bercot in the county of Oxford, being within six or seven miles of the city of Oxford, whither and from whence, by the carriage of stone, iron and other provision, by carts, the highways are spoiled, as aforesaid: (4) and whereas the said river may easily be made passable and navigable for barges, boats or lighters, between the aforesaid university and city of Oxford and the village of Bercot aforesaid, by removing some lets and impediments, by which means the said university and city of Oxford shall be greatly relieved and helped: (5) be it therefore ordained and enacted by the King's majesty, the lords spiritual and temporal, and the commons, in this present parliament assembled, and by the authority of the same, That the lord chancellor or lord keeper of the great seal of England for the time being, at any time after the end of this present session of parliament, shall and may at the request of the chancellor of the said university, or his vice-chancellor, for the time being, appoint and authorize by commission under the great seal of England eight commissioners, whereof four to be of or for the university aforesaid, to be chosen by the said chancellor of the said university, or his vice-chancellor, for the time being, and by them or either of them to be nominated and certified to the aforesaid lord chancellor or lord keeper of the great seal of England, and four to be of or for the city of Oxon, to be chosen and nominated by the mayor, bailiffs and commonalty of the said city of Oxford for the time being, and to be certified by them as aforesaid; (6) which said commissioners or the more part of them

Eight commissioners shall be appointed to make the river of Thames navigable from Oxford to Bercot.

them shall have full power to cleanse, scowre, open and make navigable the said river of *Thames*, from the said city of *Oxon* to the village of *Bercol* aforesaid, and for that purpose to dig the banks of the said river or other ground, ditch, brook or stream near thereunto adjoining, and to cut away all trees and roots of trees that may be hurtful or hindrance to the said passage, and to open, prepare or make all weirs and locks or turnpikes fit for the said passage, and to remove any thing that shall be any impediment or stop to the clearing and making of the said passage; and likewise to cut, scowre or open any other stream or water-course that shall be most convenient for making the said passage or river navigable; and likewise to make and erect any wharfs, locks or turnpikes, or pens for water, in or near the said river or passage, that shall be fit or necessary for the same, and to bring, lay and work all materials requisite for the making, erecting and repairing of the said locks or turnpikes upon the banks or ground near the said river or passage.

II. *And for that the doing of the things aforesaid may be prejudicial to the inheritance and profit of divers persons, bodies politick or corporate, that have land adjoining to the said river or passage,* (2) be it further enacted by the authority aforesaid, That the commissioners aforesaid or the more part of them, before they do meddle with the lands, inheritance or possession of any person or persons, bodies politick or corporate, shall first agree with such persons, or body politick or corporate, for the loss and damage that any of them shall any way receive by the making of the said passage or any thing concerning the same; (3) and if the said commissioners or the more part of them, and the party or parties owner of such lands, inheritance or possessions, cannot agree touching the value thereof, that then the three next justices of peace of the county where the land doth lie, being no parties, nor dwelling within the university or city of *Oxon*, nor interested in the soil, dwelling nearest to the said land or inheritance, or in their default the justices of assize of the said county of *Oxon*, shall determine, appoint and set down what and how much satisfaction every such person or persons, body politick or corporate, shall have for or in respect of the said losses so by him or them to be sustained; and the said price or value so set down by them shall bind all parties: (4) which agreement or order so made shall be set down in writing under the hands and seals of the said commissioners and parties, upon the agreement between them made, or of the said justices of the peace, or justices of assize of the said county, which shall set down the said price for satisfaction, within three months after the first resort unto them for that cause, according to this act, and the same to be kept among the evidences of the said university, and to be registred in the lieger-book of the said university, and to be inrolled in the court of the said city of *Oxford*; (5) and that then upon payment of such sum or sums of money so agreed upon or ordered as aforesaid, or tender thereof made, with purpose to pay the same, it shall then be lawful to and for the said com-

The commissioners shall agree with and satisfy all parties that may be damaged by the works.

missioners or the more part of them, to dig and make or cause to be digged or made, the said locks, wharfs, passage, or do any such other act for which any such agreement or order shall be made as aforesaid.

The commissioners may tax the university and city of Oxford at reasonable sums for the effecting of the said passage.

III. *And for that the said passage cannot be effected and maintained without great charge, and that the principal benefit thereof will redound immediately to the university and city of Oxford aforesaid,* (2) be it therefore further enacted by the authority aforesaid, That the said commissioners, or the more part of them, by this present act shall have full power and authority to tax and assess the inhabitants within the said university and city of *Oxon*, or within either of them, and suburbs thereof, and bodies politick and corporate within the same, at such reasonable sums and payments for the purposes foresaid, as they in their discretions shall think meet; the said sums and every of them to be disposed and employed for and towards the bearing of the charge of making and maintaining of the said passage.

They may constitute orders for the usage of the said passage.

IV. *And whereas the said university and city are the procurers of the said passage,* be it further enacted by the authority aforesaid, That the commissioners aforesaid, or the more part of them, by virtue of this act, shall have power and authority from time to time, with the consent of the vice-chancellor of the said university, and mayor of the city of *Oxford*, for the time being, to ordain and make orders and constitutions for the good and orderly usage of the said passage, and for all locks, wears or turnpikes thereof, to be made and maintained at the charge of the university and city of *Oxon* aforesaid; and for all boats, boatmen, passengers, wharfs, carriages and rates for carriages, by or through the said passage, and all things concerning the same; and to set, lay and execute such reasonable pains and punishments upon the breakers thereof as they shall think fit: (2) nevertheless, the justices of assize of the said county of *Oxford* for the time being, upon complaint made to them by any person grieved with the said taxations, assessments, charges, orders, constitutions, pains and punishments or any of them, shall and may abridge, moderate or reform the same, as they shall find just cause.

When any of the commissioners fail, the lord chancellor, &c. may appoint others.

V. And be it further enacted by the authority aforesaid, That when any of the said commissioners shall happen to die, or become unfit for the service, that then and so often, it shall and may be lawful to and for the lord chancellor or lord keeper of the great seal of *England* for the time being, from time to time to supply, appoint and authorize one commissioner or so many commissioners to be nominated, chosen and certified as aforesaid, out of and for the said university or city respectively, as shall make and fill up the full number of eight commissioners: (2) and that the commissioners aforesaid or the more part of them, by the authority of this act, shall have full power to choose, nominate and appoint one or more such person or persons as they shall think fit, to collect, gather and lay out the said several sums; and the person and persons so appointed shall

The commissioners may appoint collectors of the tax.

shall gather and take up the said sums assessed, by distress and sale of the goods of every person refusing to pay the tax or assessment imposed upon him, restoring to the person whose goods shall be so distrained, the overplus (if any be) of the price thereof, being sold. (3) And for that the said passage from *Bercot* aforesaid to the said city of *Oxford*, is against the stream, the barges, boats, lighters or other vessels, must of necessity in some places and at some times be haled up by the strength of men, horses, winches, engines or other means in that behalf convenient; be it therefore enacted by the authority of this present act, That it shall and may be lawful to and for watermen, boatmen, bargemen and other helpers of them, in convenient places, to have and use winches, ropes and other engines, and with the same by strength of men and horses or either of them, going up the land or banks near the said river or passage, through the said passage, without the hindrance, trouble or impeachment of any person or persons, to draw or hale up the barges, boats, lighters or other vessels, doing none other harm than only by going or treading upon the said land or banks near adjoining as aforesaid.

The boatmen, &c. may go on land to hale their boats, &c.

VI. Provided always, That no privileged person of the university of *Oxford* shall be taxed as aforesaid, without the consent of two or more of the commissioners of or for the said university, nor any freemen inhabiting of or in the said city, or the suburbs or liberties thereof, shall be taxed as aforesaid, without the consent of two or more of the commissioners of or for the said city.

A proviso for the tax of the university and city.

VII. Provided also, That this act, nor any thing therein contained, shall give power and authority to the said commissioners or enable them to do any act or thing, whereby the said river of *Thames* shall be diverted or turned out of his ancient course or chanel, wherein the same now runneth, or to draw more water thence than shall conveniently serve for the said passage.

The course and chanel of *Thames* shall not be diverted.

VIII. And be it further enacted by the authority of this present parliament, That one act of parliament made in the third year of the King's majesty's reign, the twentieth chapter, (intituled, *An act for clearing the passage by water from London to and beyond the city of Oxon*) shall be from henceforth utterly repealed and of none effect 6 & 7 W. 3. c. 16. This to be deemed a publick act, 3 Geo. 2. c. 11. f. 26.

3 Jac. 1. c. 20. repealed.

CAP. XXXIII.

Four entire subsidies granted by the spirituality. EXP.

CAP. XXXIV.

The temporality considering that the King might be engaged in a present war by breaking of the two treaties with Spain, viz. The one of the marriage, and the other of the restitution of the Palatine, freely grants unto his Majesty three entire subsidies, and three fifteens and tenths, whereof 18000 pounds should be employed towards the repair of certain decayed cities and towns, and the residue was to be expended in the managing of the expected war: Now for the better employment of those monies, eight citizens of London are appointed to be treasurers, and ten other selected persons to be of his Majesty's council for the war; all

all which shall make oath, viz. the treasurers, that none of those monies should issue out of their hands without warrant from the said council of war; and the other, that they should make no warrants for the payment of any of those monies, but only for the end above-mentioned; and further, should all be accountable for their doings and proceedings in that behalf, to the commons in parliament, when they or any of them should be thereunto required. 'EXP.

CAP. XXXV.

A confirmation of the King's general and free pardon, except, &c. EXP.
Cro. Car. 449.

*Anno Regni CAROLI Regis Angliæ, Scotiæ,
Franciæ & Hiberniæ, primo.*

At the parliament begun at *Westminster* the eighteenth day of *June Anno Dom.* one thousand six hundred twenty-five in the first year of the reign of our most gracious sovereign lord *Charles*, by the grace of God, of *Great Britain, France and Ireland*, King, defender of the faith, &c. And there continued until the eleventh day of *July* following; and then adjourned until the first day of *August* following, unto *Oxford*; To the high pleasure of Almighty God, and to the wealpublick of this realm, were enacted as followeth.

CAP. I.

An act for punishing divers abuses committed on the Lord's day, called Sunday.

There shall be no assemblies for unlawful pastimes upon the Lord's day.

FORASMUCH as there is nothing more acceptable to God than the true and sincere service and worship of him according to his holy will, and that the holy keeping of the Lord's day is a principal part of the true service of God, which in very many places of this realm hath been and now is profaned and neglected by a disorderly sort of people, in exercising and frequenting bear-baiting, bull-baiting, interludes, common plays and other unlawful exercises and pastimes upon the Lord's day; and for that many quarrels, bloodsheds and other great inconveniences have grown by the resort and concourse of people going out of their own parishes to such disordered and unlawful exercises and pastimes, neglecting divine service both in their own parishes and elsewhere; (2) be it enacted by the King's most excellent majesty, the lords spiritual and temporal, and the commons, in this present

Unlawful meetings and pastimes on

present parliament assembled, and by the authority of the same, the Lord's day forbidden.

That from and after forty days next after the end of this session of parliament, there shall be no meetings, assemblies or concourse of people out of their own parishes on the Lord's day, within this realm of *England* or any the dominions thereof, for any sports and pastimes whatsoever; (3) nor any bear-baiting, bull-baiting, interludes, common plays or other unlawful exercises and pastimes, used by any person or persons within their own parishes; (4) and that every person or persons offending in any the premises, shall forfeit for every offence three shillings four-pence, the same to be employed and converted to the use of the poor of the parish where such offence shall be committed; (5) and that any one justice of the peace of the county or the chief officer or officers of any city, borough or town corporate, where such offence shall be committed, upon his or their view or confession of the party, or proof of any one or more witnesses by oath, which the said justice or chief officer or officers shall by virtue of this act have authority to minister, shall find any person offending in the premises, the said justice or chief officer or officers shall give warrant under his or their hand and seal, to the constables and church-wardens of the parish or parishes where such offence shall be committed, to levy the said penalty so to be assessed, by way of distress and sale of the goods of every such offender, rendering to the said offenders the overplus of the money raised of the said goods so to be sold; and in default of such distress, that the party offending be set publicly in the stocks by the space of three hours; (6) and that if any man be sued or impeached for execution of this law, he shall and may plead the general issue and give the said matter of justification in evidence: (7) provided, that no man be impeached by this act except he be called in question within one month next after the said offence committed: (8) provided also, that the ecclesiastical jurisdiction within this realm or any the dominions thereof, by virtue of this act or any thing therein contained, shall not be abridged, but that the ecclesiastical court may punish the said offences as if this act had not been made. (9) This act to continue until the end of the first session of the next parliament and no longer.

3 Car. 1. c. 4. Continued until the end of the first session of the next parliament, and farther continued by 16 Car. 1. c. 4. and enforced by 29 Car. 2. c. 7.

Every person using any unlawful pastimes on the Lord's day, shall forfeit 3 s. 4 d. to the poor of the parish.

After conviction by warrant from a justice, &c. the constables, &c. may levy the penalty, &c.

General issue. Limitation of the action.

The ecclesiastical jurisdiction not abridged.

CAP. II.

An act to enable the King's majesty to make leases of lands, parcel of his Highness duchy of Cornwall, or annexed to the same. All leases to be made within three years by the King's majesty, of the duchy lands of Cornwall, shall be good. Except they be made for above thirty-one years or three lives, &c. The ancient rent to be reserved, and if none anciently, a reasonable rent. Covenants, &c. contained in such leases shall be good. The right of others saved.

21 Jac. 1. c. 29.

CAP. III.

An act for the ease in obtaining of licences of alienation, and in the pleading of alienations with licence, or of pardons of alienations without licence, in

in the court of exchequer, or elsewhere. 12 Car. 2. c. 24. *All fines, seizures and pardons for alienations, and all incidents thereunto, are taken away and discharged.*

C A P. IV.

An act for the further restraint of tippling in inns, alehouses, and other victualling-houses.

Foreigners, as well as inhabitants, shall not be permitted to tipple in inns, alehouses, &c. 1 Jac. 1. c. 9. 4 Jac. 1. c. 5.

WHEREAS in the last parliament it was enacted, That if any person or persons, wheresoever his or their habitation or abiding be, should after be found upon view, or his own confession, or proof of one witness, to be tippling in an inn, alehouse or victualling-house; such person or persons should be thenceforth adjudged and construed to be within the statutes of the first and fourth years of the late King's majesty's reign, King James of famous memory; the one intituled, An act to restrain the inordinate haunting of tippling in inns, alehouses, and other victualling-houses; and the other intituled, An act to repress the odious and loathsome sin of drunkenness; as if he or they had inhabited and dwelled in the city, town corporate, market-town, village or hamlet where the inn, alehouse or victualling-house was or should be, where he or they should be so found tippling, should incur the like penalty, and the same to be in such sort levied and disposed, as in the said act is expressed, concerning such as there inhabit; (2) but no punishment by any or either of the said acts or by any other statute, is inflicted upon the inn-keeper, alehouse-keeper or victualler, that permits or suffers such person or persons not there inhabiting, to tipple in his inn, alehouse or victualling-house: (3) for remedy whereof, be it enacted, That every inn-keeper, alehouse-keeper and other victualler, that at any time after the end of this session of parliament shall permit and suffer any person or persons not inhabiting in the city, town corporate, market town, village or hamlet, where such inn, alehouse or victualling-house is or shall be to tipple in the said inn, alehouse or victualling-house, contrary to the true intent of any or either of the said former statutes, the said inn-keeper, alehouse-keeper and victualler so offending shall incur the same penalty, and in such manner to be proved, levied and disposed, as in the former statute of the first year of his said late Majesty's reign is appointed for permitting such to tipple as dwell in the same city, town corporate, market-town, village or hamlet.

Vintners and victuallers to be within this and the other statutes.

II. And be it further enacted, That the keepers of taverns, and such as sell wine in their houses, and do also keep inns or victualling in their houses, shall be taken to be within the said two former statutes, and also within this statute.

C A P. V.

Three intire subsidies granted by the spirituality. EXP.

C A P. VI.

Two intire subsidies granted by the temporality. EXP.

CAP. VII.

This session of parliament (by reason of the increase of the sickness and other inconveniencies of the season, requiring a speedy adjournment, nevertheless) shall not determine by his Majesty's royal assent to this and some other acts. EXP.

III. **A**ND all statutes and acts of parliament which are to have continuance unto the end of this present session, shall be of full force after the said adjournment, until this present session be fully ended and determined: (3) and if this session shall determine by dissolution of this present parliament, then all the acts aforesaid shall be continued until the end of the first session of the next parliament: (4) and all statutes and acts of parliament which before the said adjournment shall pass by his Majesty's royal assent, shall be put in execution immediately after forty days after the said adjournment, notwithstanding that by the words or letters of the said acts or any of them, they be limited to take effect, or be put in execution, from or at any time after the end of this present session.

Acts that are to have continuance shall remain in force.

When the acts which are now to pass shall take effect.

Anno Regni CAROLI Regis Angliæ, Scotiæ, Franciæ & Hiberniæ, tertio.

AT the parliament begun at Westminster the seventeenth day of March, Anno Dom. one thousand six hundred twenty-seven, in the third year of the reign of our most gracious sovereign lord Charles, by the Grace of God, of England, Scotland, France and Ireland, King, defender of the faith, &c. and there continued until the twenty-sixth day of June following, and then prorogued unto the twentieth day of October next ensuing; to the high pleasure of Almighty God, and to the weal publick of this realm, were enacted as followeth.

The petition exhibited to his Majesty by the lords spiritual and temporal, and commons, in this present parliament assembled, concerning divers rights and liberties of the subjects, with the King's majesty's royal answer thereunto in full parliament.

To the King's most excellent majesty.

HUMBLY shew unto our sovereign lord the King, the lords spiritual and temporal, and commons in parliament assembled, That whereas it is declared and enacted by a statute made in the time of the reign of King Edward the First commonly called Statutum de tallagio non concedendo, That no tallage or aid shall be laid or levied by the King or his heirs in this realm, without the good will and assent of the archbishops, bishops, earls, barons, knights, burgesses, and

The petition, of right.

34 Ed. 1. stat. 4. c. 1.

25 Ed. 1. stat. 1.
c. 6.

and other the freemen of the commonalty of this realm; (2) and by authority of parliament holden in the five and twentieth year of the reign of King Edward the Third, it is declared and enacted, That from thenceforth no person should be compelled to make any loans to the King against his will, because such loans were against reason and the franchise of the land; (3) and by other laws of this realm it is provided, That none should be charged by any charge or imposition called a benevolence, nor by such like charge: (4) by which the statutes before mentioned, and other the good laws and statutes of this realm, your subjects have inherited this freedom, That they should not be compelled to contribute to any tax, tallage, aid or other like charge not set by common consent in parliament.

1 Ed. 3. stat. 2.
c. 6.

11 R. 2. c. 9.

1 R. 3. c. 2.

II. Yet nevertheless, of late divers commissions directed to sundry commissioners in several counties, with instructions, have issued; by means whereof your people have been in divers places assembled, and required to lend certain sums of money unto your Majesty, and many of them, upon their refusal so to do, have had an oath administered unto them not warrantable by the laws or statutes of this realm, and have been constrained to become bound to make appearance and give attendance before your privy council and in other places, and others of them have been therefore imprisoned, confined, and sundry other ways molested and disquieted; (2) and divers other charges have been laid and levied upon your people in several counties by lord lieutenants, deputy lieutenants, commissioners for musters, justices of peace and others, by command or direction from your Majesty, or your privy council, against the laws and free customs of the realm.

9 H. 3. stat. 1.
c. 29.

III. And where also by the statute called The great charter of the liberties of England, it is declared and enacted, That no freeman may be taken or imprisoned, or be disseised of his freehold or liberties, or his free customs, or be outlawed or exiled, or in manner destroyed, but by the lawful judgment of his peers, or by the law of the land.

28 Ed. 3. c. 3.

IV. And in the eight and twentieth year of the reign of King Edward the Third, it was declared and enacted by authority of parliament, That no man of what estate or condition that he be, should be put out of his land or tenements, nor taken, nor imprisoned, nor disherited, nor put to death without being brought to answer by due process of law:

37 Ed. 3. c. 18.

38 Ed. 3. stat. 2.

c. 9.

42 Ed. 3. c. 3.

17 R. 2. c. 6.

V. Nevertheless against the tenor of the said statutes, and other the good laws and statutes of your realm to that end provided, divers of your subjects have of late been imprisoned without any cause shewed; (2) and when for their deliverance they were brought before your justices by your Majesty's writs of habeas corpus, there to undergo and receive as the court should order, and their keepers commanded to certify the causes of their detainer, no cause was certified, but that they were detained by your Majesty's special command, signified by the lords of your privy council, and yet were returned back to several prisons, without being charged with any thing to which they might make answer according to the law:

2 Inst. 187.

VI. And whereas of late great companies of soldiers and mariners have been dispersed into divers counties of the realm, and the inhabitants against their wills have been compelled to receive them into their houses,

houses, and there to suffer them to sojourn, against the laws and customs of this realm, and to the great grievance and vexation of the people:

VII. And whereas also by authority of parliament, in the five and twentieth year of the reign of King Edward the Third, it is declared and enacted, That no man should be forejudged of life or limb against the form of the great charter and the law of the land; (2) and by the said great charter and other the laws and statutes of this your realm, no man ought to be adjudged to death but by the laws established in this your realm, either by the customs of the same realm, or by acts of parliament: (3) and whereas no offender of what kind soever is exempted from the proceedings to be used, and punishments to be inflicted by the laws and statutes of this your realm: nevertheless of late time divers commissions under your Majesty's great seal have issued forth, by which certain persons have been assigned and appointed commissioners with power and authority to proceed within the land, according to the justice of martial law, against such soldiers or mariners, or other dissolute persons joining with them, as should commit any murder, robbery, felony, mutiny or other outrage or misdemeanor whatsoever, and by such summary course and order as is agreeable to martial law, and as is used in armies in time of war, to proceed to the trial and condemnation of such offenders, and them to cause to be executed and put to death according to the law martial:

VIII. By pretext whereof some of your Majesty's subjects have been by some of the said commissioners put to death, when and where, if by the laws and statutes of the land they had deserved death, by the same laws and statutes also they might, and by no other ought to have been judged and executed:

IX. And also sundry grievous offenders, by colour thereof claiming an exemption, have escaped the punishments due to them by the laws and statutes of this your realm, by reason that divers of your officers and ministers of justice have unjustly refused or forbore to proceed against such offenders according to the same laws and statutes, upon pretence that the said offenders were punishable only by martial law, and by authority of such commissions as aforesaid: (2) which commissions, and all other of like nature, are wholly and directly contrary to the said laws and statutes of this your realm:

X. They do therefore humbly pray your most excellent Majesty, That no man hereafter be compelled to make or yield any gift, loan, benevolence, tax, or such-like charge, without common consent by act of parliament; (2) and that none be called to make answer, or take such oath, or to give attendance, or be confined, or otherwise molested or disquieted concerning the same, or for refusal thereof; (3) and that no freeman, in any such manner as is before-mentioned, be imprisoned or detained; (4) and that your Majesty would be pleased to remove the said soldiers and mariners, and that your people may not be so burthened in time to come; (5) and that the aforesaid commissions, for proceeding by martial law, may be revoked and annulled; and that hereafter no commissions of like nature may issue forth to any person or persons whatsoever to be executed as aforesaid, lest

25 Ed. 3. stat. 5.
C. 4.

9 H. 3. stat. 1.
C. 29.

25 Ed. 3. stat. 5.
C. 4.
28 Ed. 3. c. 3.

The petition.
25 Ed. 1. stat. 1.
C. 6.

1 Inf. 52.

left by colour of them any of your Majesty's subjects be destroyed, or put to death contrary to the laws and franchise of the land.

XI. All which they most humbly pray of your most excellent Majesty as their rights and liberties, according to the laws and statutes of this realm; and that your Majesty would also vouchsafe to declare, That the awards, doings and proceedings, to the prejudice of your people in any of the premises, shall not be drawn hereafter into consequence or example; (2) and that your Majesty would be also graciously pleased, for the further comfort and safety of your people, to declare your royal will and pleasure, That in the things aforesaid all your officers and ministers shall serve you according to the laws and statutes of this realm, as they tender the honour of your Majesty, and the prosperity of this kingdom. *Quâ quidem petitione lectâ & plenius intellectâ per dictum dominum regem taliter est responsum in pleno parlamento, viz. Soit droit fait come est desire.*

CAP. I. (II.)

An act for the further reformation of sundry abuses committed on the Lord's day, commonly called Sunday.

A carrier, &c. that travels on the Lord's day shall forfeit 20 s.

FORASMUCH as the Lord's day, commonly called Sunday, is much broken and profaned by carriers, waggoners, carters, wainmen, butchers, and drovers of cattle, to the great dishonour of God, and reproach of religion: (2) be it therefore enacted by the King's most excellent majesty, and the lords spiritual and temporal, and by the commons, in this present parliament assembled, and by the authority of the same, That no carrier with any horse or horses, nor waggon-men with any waggon or waggons, nor carmen with any cart or carts, nor wainman with any wain or wains, nor drovers with any cattle, shall after forty days next after the end of this present session of parliament, by themselves, or any other, travel upon the said day, upon pain that every person and persons so offending shall lose and forfeit twenty shillings for every such offence: (3) or if any butcher, by himself or any other for him by his privity or consent, shall after the end of the said forty days kill or sell any victual upon the said day, that then every such butcher shall forfeit and lose for every such offence the sum of six shillings and eight-pence; (4) the said offences and every of them being done in view of any justice of peace, mayor or other head officer, of any city or town corporate within their limits respectively, or being proved upon oath by two or more witnesses, or by the confession of the party offending, before any such justice, mayor or head officer, within their several limits respectively, wherein such offence shall be committed: to which end every such justice, mayor or head officer, shall have power by this act to minister an oath to such witness or witnesses: (5) all which sums or penalties shall or may be levied by any constable or church-warden, by warrant from any such justice or justices of the peace, mayor or other head officer, as aforesaid, within their several limits where such offence

Butchers that sell or kill victual upon that day shall forfeit 6 s. 8 d.

After conviction, and by warrant from a justice, &c.

offence shall be committed or done, by distress and sale of the offenders goods; rendering to the party the overplus, or shall be recovered by any person or persons that will sue for the same, by bill, plaint or information, in any of his Majesty's courts of record, in any city or town corporate, before his Majesty's justices of the peace in their general sessions of the peace: (6) all which forfeitures shall be employed to and for the use of the poor of the parishes where the said offences shall be committed or done, saving only that it shall be lawful to and for any such justice, mayor or head officer, out of the said forfeitures, to reward any such person or persons that shall inform or otherwise prosecute any person or persons offending against this present act, according to their discretions, so that such reward exceed not the third part of the forfeiture: (7) provided that such bill, plaint or information, shall be commenced, sued and prosecuted in the county, city or town corporate, where such offence shall be committed and done, and not elsewhere; wherein no essoin, protection or wager of law shall be allowed to the defendant: (8) provided always, That it shall be lawful for any constable or churchwarden, that shall have any suit or action brought against them for any distress by them or any of them to be taken by force of this present act, to plead the general issue, and to give the special matter in evidence: (9) provided likewise, That no person or persons whatsoever shall be impeached by this act, unless he be thereof questioned within six months after the offence committed: (10) provided further, That this act shall not in any sort abridge or take away the authority of the courts ecclesiastical. (11) This act to continue to the end of the first session of the next parliament. *Enforced by 29 Car. 2. cap. 7.*

the constables, &c. may levy the said forfeitures to the use of the poor; or they may be recovered by suit.

CAP. II. (III.)

An act to restrain the passing or sending of any to be popishly bred beyond the seas.

FORASMUCH as divers ill-affected persons to the true religion established within this realm, have sent their children into foreign parts to be bred up in popery, notwithstanding the restraint thereof by the statute made in the first year of the reign of our late sovereign lord King James of famous memory; be it enacted, That the said statute shall be put in due execution: (2) and be it further enacted by the King's most excellent majesty, and the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That in case any person or persons under the obedience of the King, his heirs and successors, at any time after the end of this session of parliament, shall pass or go, or shall convey or send, or cause to be sent or conveyed, any child or other person, out of any of the King's dominions, into any the parts beyond the seas, out of the King's obedience, to the intent and purpose to enter into, or be resident or trained up in, any priory, abbey, nunnery, popish university, college or school, or house of jesuits, priests, or in any private popish family, and shall be there by any jesuits, semina-

A restraint of passage or sending any person beyond the seas to be popishly bred. 1 Jac. 1. c. 4. He that goeth himself, or sends any other beyond the seas to be trained up in popery, &c. shall be disabled to sue, &c. and shall lose all his goods, and shall forfeit all his lands, &c. for life.

27 Eliz. c. 2. 3 Jac. 1. c. 4.

ry priests, frier, monk, or other popish person, instructed, perswaded or strengthened in the popish religion, in any sort to profess the same, or shall convey or send, or cause to be conveyed or sent, by the hands or means of any person whatsoever, any sum or sums of money, or other thing, for or towards the maintenance of any child or other person already gone or sent, or to go or to be sent, and trained and instructed as is aforesaid, or under the name or colour of any charity, benevolence or alms, towards the relief of any priory, abbey, nunnery, college, school, or any religious house whatsoever: every person so sending, conveying, or causing to be sent and conveyed, as well any such child or other person, as any sum or sums of money, or other thing, and every person passing or being sent beyond the seas, being thereof lawfully convicted, in or upon any information, presentment or indictment, as is aforesaid, shall be disabled from thenceforth to sue or use any action, bill, plaint or information, in course of law, or to prosecute any suit in any court of equity, or to be committee of any ward, or executor or administrator to any person, or capable of any legacy or deed of gift, or to bear any office within the realm; (3) and shall lose and forfeit all his goods and chattels, and shall forfeit all his lands, tenements and hereditaments, rents, annuities, offices and estates of freehold, for and during his natural life.

A convert shall not incur the penalties aforesaid.
27 Eliz. c. 2.

II. Provided always, That no person sent or conveyed as aforesaid, that shall within six months after his return into this realm conform himself unto the present religion established in this church of *England*, and receive the sacrament of the Lord's supper, according to the statutes made concerning conformity in other cases required from popish recusants, shall incur any the penalties aforesaid.

III. And it is enacted, That all and every the offences against this statute may be enquired, heard and determined before the justices of the King's bench, or justices of assize or gaol-delivery, or of *oyer and terminer*, of such counties where the offenders did last dwell or abide, or whence they departed out of this kingdom, or where they were taken.

IV. Provided also, That if any person or child, so passing or sent, or now being beyond the sea, shall after his return into this realm conform himself to this religion established in the church of *England*, and receive the sacrament of the Lord his supper, according to the statutes made for or concerning conformity in other cases required from popish recusants, for and during such time as he or she shall so continue in such conformity and obedience, according to the true intent and meaning of the said laws and statutes, shall have his or her lands restored to them again.

CAP. III. (IV.)

An act for the better suppressing of unlicenced alehouse-keepers.

WHEREAS by an act made in the fifth year of the reign of King Edward the Sixth, of famous memory, intituled, An act for keepers of alehouses to be bound by recognizance, amongst other things it is enacted; That if any person or persons, other than such as should be from thenceforth admitted and allowed by the justices mentioned in the said act, should after the day in the said act limited, obstinately and upon his own authority, take upon him or them to keep a common alehouse or tippling-house, or should contrary to the commandment of the said justices, or two of them, use commonly selling of ale or beer, that then said justices of peace, or two of them (whereof one to be of the quorum) should for every such offence commit every such person or persons so offending to the common gaol within the same shire, city, borough, town corporate, franchise or liberty, there to remain without bail or mainprize by the space of three days: (2) and before his or their deliverance, the said justices should take recognizance of him or them so committed, with two sureties, that he or they should not keep any common alehouse, tippling-house, or use commonly selling of ale or beer, as by the discretion of the said justices should seem convenient: (3) and the said justices should make certificate of every such recognizance and offence at the next quarter-sessions that should be holden within the same shire, city, borough, town corporate, franchise or liberty where the same should be committed or done; (4) which certificate should be a sufficient conviction in law of the same offence: (5) and the said justices of peace, upon the said certificate made, should in open sessions assess the fine for every such offence, at twenty shillings, as by the said act may appear: (6) which law hath not wrought such reformation as was intended, for that the said fine of twenty shillings is seldom levied, and for that many of the said offenders, by reason of their poverty, are neither able to pay the said fine of twenty shillings; nor yet to bear their own charges of conveying them to the gaol; and moreover do leave a great charge of wife and children upon the parishes wherein they live: in regard whereof, the constables and other officers are much discouraged in presenting them, and the offenders become obstinate and incorrigible:

II. For remedy whereof, be it enacted by the authority of He that keeps this present parliament, That if any person or persons, after forty days next ensuing the end of this present session of parliament, shall upon his own authority, not being thereunto lawfully licenced, take upon him, her or them, to keep a common alehouse or tippling-house, or use commonly selling of ale, beer, cyder or perry, that then every such person or persons shall for every such offence forfeit and lose the sum of twenty shillings of current money of England, to the use of the poor of the parish where such offence shall be committed, the same offence being viewed and seen by any mayor, bailiff or justice of peace, or other head officer, within their several limits, or confessed by

The forfeiture and punishment of him that keeps an alehouse without licence. 5 & 6 Ed. 6. c. 25.

He that keeps an alehouse, &c. without licence shall forfeit 20 s.

The constables or churchwardens shall levy the said forfeiture to the use of the poor.

The party that is not able to pay the forfeiture shall be whipped.

The officer neglecting to punish the offender shall be imprisoned, or pay 40s.

For the second and third offence the offender shall be committed to the house of correction.

the party so offending, or proved by the oath of two witnesses, to be taken before any mayor, bailiff or other head officer, or any one or more justice or justices of the peace, who by virtue of this act shall be authorized to minister the said oath to any person or persons that can or will justify the same, being within the limits of their said commission: (2) the said penalty to be levied by the constables or churchwardens of the parish or parishes where the said offence shall be committed, who shall be accountable therefore to the use of the poor of the said parish, by way of distress to be taken and detained by warrant or precept from the said mayor, bailiff, justice or justices or other head-officer by whom the said offence shall be viewed, or before whom the same shall be confessed or proved as aforesaid: (3) and for default of satisfaction within three days next ensuing, the said distress to be by the said constables or churchwardens appraised and sold, and the overplus to be delivered to the party or parties offending, and this to be only for the first offence: (4) and if such offender or offenders shall not have sufficient goods and chattels, whereby the said twenty shillings may be levied by way of distress as aforesaid, or shall not pay the said sum of twenty shillings within six days after such conviction as aforesaid; That then the said mayor, bailiff, justice or justices, or other head officer before whom the said offender shall be convicted as aforesaid, shall commit all and every the said offender or offenders to some constable or constables, or other inferior officer or officers of the city, borough, town, parish or hamlet, where the offence shall be committed, or the party apprehended, to be openly whipped for the said offence, as the said justice or justices shall limit or appoint.

III. And be it enacted by the authority aforesaid, That if any constable or inferior officer shall neglect to execute the said precept or warrant, or do refuse, or do not execute, by himself or some other to be by him appointed, upon the offender, the punishment limited by this statute, that in that case it shall and may be lawful for the said mayor, bailiff, justice and justices of peace or other head officer, to commit the constable or other inferior officer so refusing, or not executing the said punishment by himself or some other, to the common gaol of the said county, city or town corporate, there to remain without bail or mainprize, until the said offender or offenders shall be by the said constable or constables, or other inferior officer so refusing, or not executing the said punishment, or some by his or their procurement, punished or whipped as is above limited and declared, or until he or they so neglecting or refusing shall have paid the sum of forty shillings of lawful money of England, unto the use of the poor of the parish, for their said contempt.

IV. And be it further enacted, That if the said offender or offenders, being an unlicenced alehouse-keeper, shall offend in any of the premisses the second time, and be thereof lawfully convicted in manner and form aforesaid, That then the said mayor, bailiff, justice or justices of peace or other head officer, shall

shall commit him, her or them unto the house of correction, there to remain for the space of one month, and be dealt withal as idle, lewd and disorderly persons : (2) and if such person or persons shall again offend, and shall be thereof convicted as aforesaid, That then the said offender or offenders for every such offence shall be committed unto the said house of correction as aforesaid, there to remain until by order of the justices in their general sessions for the county, city, borough or franchise, he, she or they shall be delivered from thence.

V. Provided always, That such offender or offenders as shall be punished by virtue of this act, shall not be punished again for the same offence by the former act made in the fifth year of King *Edward* the Sixth aforesaid mentioned ; (2) and that such offender or offenders as shall be punished by virtue of the before mentioned act made in the fifth year of King *Edward* the Sixth, shall not be punished again for the same offence by virtue of this present act, nor any thing therein contained.

The offender punished by this act shall not be again punished by 5 & 6 Ed. 6. c. 25. & econ- tra.

VI. Provided always, That in such towns and places where any fair or fairs shall be kept, that for the time only of the same fair or fairs it shall be lawful for every person or persons to use common selling of ale or beer in booths or other places there, for the relief of the King's subjects that shall repair unto the same, in such like manner and sort as hath been used and done in times past ; this act, or any thing therein contained, to the contrary notwithstanding. 1 Jac. I. c. 9. 4 Jac. I. c. 4. 21 Jac. I. c. 7. 1 Car. I. c. 4.

Alehouses kept in the time of fairs excepted.

CAP. IV. (V.)

An act for continuance and repeal of divers statutes.

BE it enacted by the authority of this present parliament, That one act made in the first year of the reign of the late Queen *Elizabeth*, intituled, *An act for the preservation of spawn and fry of fish*, except the proviso in the said act mentioned, That the same act shall not extend to the rivers of *Tweed*, nor waters or rivers whereof the Queen was answered of any yearly rent or profit, nor to farmers, owners or occupiers of the rivers of *Wye*, *Ufke*, and other rivers in the said proviso mentioned or contained :

Fish. Divers statutes made perpetual, others continued, and some others repealed. 1 Eliz. c. 17.

II. One act made in the thirteenth year of the reign of the late Queen *Elizabeth*, intituled, *An act touching leases of benefices, and other ecclesiastical livings with cure* ; together with all and every explanations, additions and alterations thereof or of any of them, or to any of them, made by several statutes in the fourteenth, eighteenth and three and fortieth years of her said late Majesty's reign :

Leases. 13 Eliz. c. 20. 14 Eliz. c. 17. 18 Eliz. c. 11. 43 Eliz. c. 9.

III. And one act made in the seven and twentieth year of the reign of the late Queen *Elizabeth*, intituled, *An act for the maintenance of the pier and cob of Lyme-Regis in the county of Dorset* :

Pier of Lyme-Regis. 27 Eliz. not printed.

IV. And one act made in the third year of the reign of the late King *James*, intituled, *An act for the avoiding of unnecessary delays of executions* ; be by authority of this parliament made perpetual,

3 Jac. I. c. 8. The four acts above men- and

tioned made
perpetual.
Execution.
Usury.
21 Jac. 1. c. 17.
made perpet-
tual.

and shall from henceforth stand in full force and effect, and be put in due execution for ever hereafter.

V. And be it also enacted by the same authority, That one statute made in the one and twentieth year of the reign of the late King *James*, intituled, *An act against usury*, which act was to continue for the space of seven years from the four and twentieth day of *June*, which then should be in the year of our Lord God one thousand six hundred twenty and five, and so to the end of the first session of parliament then next following, be also by authority of this parliament made perpetual.

Cables, &c.
11 H. 8. c. 12.

VI. And it is further enacted by the authority aforesaid, That one act made in the one and twentieth year of the reign of the late King *Henry* the Eighth, intituled, *An act for the true making of cables, ballers and ropes*:

Cattle.
8 & 4 Ed. 6.
c. 19.

VII. And that part of one act made in the parliament holden at *Westminster* by prorogation the fourth day of *November*, and continued until the first day of *February* next after, in the third and fourth years of the reign of the late King *Edward* the Sixth, by which it is ordained and enacted, That no person or persons after the time in the said act mentioned shall sell again live catle in the said act mentioned, at or in the market or fair wherein he bought the same, during the time of the same fair or maket, under the pains therein contained:

Cattle.

VIII. And that no person being a butcher, and using the craft or mystery of butchery, shall at any time after the said feast buy any fat oxen, steers, runts, kine, heifers, calves or sheep, and sell or cause to be sold the same again alive, upon pain of forfeiture of every such ox, steer, runt, cow, heifer, calves or sheep, bargained or sold contrary to the form of that act:

Butter and
cheese.
3 & 4 Ed. 6.
c. 21.
21 Jac. 1. c. 22.

IX. One other act made in the same parliament, intituled, *An act for the buying and selling of butter and cheese*; together with one statute made in the parliament holden in the one and twentieth year of the reign of the late King *James*, intituled, *An act for the explanation of the statutes made in the third, fourth and fifth years of the reign of the said late King Edward the Sixth, concerning the traders of butter and cheese*:

Fish.
5 Eliz. c. 5.

X. And so much of an act made in the fifth year of the reign of the late Queen *Elizabeth*, intituled, *An act touching certain politick constitutions made for the maintenance of the navy*, as is not repealed by any later statute, nor doth concern the eating of flesh, or using of fish upon the *Wednesday*, nor the transportation of herring or other sea-fish, nor freedom of subsidy, custom or tonnage for the same, nor transportation of corn, nor the prohibiting the bringing into this realm any cod or ling in barrels or other casks; together with all and every other additions, explanations and alterations made thereunto or thereof, or of any part thereof, by any statute or statutes made since the making of the said last mentioned act, and in force the last day of the session of parliament that was in the one and twentieth year of the reign of the late King *James*:

21 Jac. 1. c. 28.

Merchants.
5 Eliz. c. 7.

XI. And one other act made in the said fifth year, intituled,

An act for avoiding divers foreign wares made by handicraftsmen beyond the seas :

XII. And an act made in the eighth year of the reign of the late Queen Elizabeth, intituled, *An act for bowyers and the* 8 Eliz. c. 10. *prices of bows :*

XIII. And one act made in the thirteenth year of the reign Purveyors. of the late Queen Elizabeth, intituled, *An act that purveyors may* 13 Eliz. c. 11. *take corn and victuals within five miles of Cambridge and Oxford, in certain cases :*

XIV. And so much of an act made in the fourteenth year of Poor. the reign of the said late Queen Elizabeth, intituled, *An act for* 14 Eliz. c. 5. *the punishment of vagabonds, and the relief of the poor and impotent, as concerneth the taxing, rating, levying and imploying of gaol-money :*

XV. And so much of an act made in the eighteenth year of 18 Eliz. c. 3. the reign of the said late Queen Elizabeth, intituled, *An act for the setting the poor on work and avoiding idleness*, as concerneth bastards begotten out of lawful matrimony : (2) with this, That all justices of the peace within their several limits and precincts, and in their several sessions, may do and execute all things concerning that part of the said statute, that by justices of the peace in the several counties are by the said statute limited to be done :

XVI. And an act made in the said eighteenth year of the Highways. reign of the said late Queen Elizabeth, intituled, *An act for re-* 18 Eliz. c. 10. *pairing and amending of the bridges and highways near unto the city of Oxford :*

XVII. And one act made the seven and twentieth year of the Westminster. reign of the said late Queen Elizabeth, intituled, *An act for the* 27 Eliz. not *good government of the city or borough of Westminster :* printed.

XVIII. And two other acts made in the said seven and twen- Malt. tieth year of the reign of the said late Queen Elizabeth, the one 27 Eliz. c. 14. intituled, *An act for reviving of a former statute for the true making* 28 Ed. 6. c. 10. *of malt*, together with the statute by the act revived ; (2) and Sea-Banks. the other intituled, *An act for the keeping of the sea-banks and sea-* 27 Eliz. c. 24. *works in the county of Norfolk :*

XIX. And one act made in the one and thirtieth year of the Ale. reign of the late Queen Elizabeth, intituled, *An act for the true* 31 Eliz. c. 8. *gauging of vessels brought from beyond the seas, converted by brewers, for the utterance and sale of ale and beer :*

XX. And two acts made in the five and thirtieth year of her said Kersies. late Majesty's reign, the one intituled, *An act for the reformation* 35 Eliz. c. 10. *of sundry abuses in cloths called Devonshire kersies or dozens, according to a proclamation of the four and thirtieth year of her said Majesty's reign ;* (2) the other intituled: *An act for the bringing in of* Timber. *clapboard from the parts beyond the seas, and the restraining of the* 35 Eliz. c. 11. *transporting of wine casks, for the sparing and preserving of timber within the realm :*

XXI. And so much of one act made in the five and thirtieth Pope. year of the reign of the said late Queen Elizabeth, intituled, *An* 35 Eliz. c. 1. *act to retain the Queen's majesty's subjects in their due obedience, as hath not been since repealed by any other statute :*

Poor.

39 Eliz. c. 4.

XXII. And the several acts hereafter mentioned, made in the thirty ninth year of the reign the late Queen *Elizabeth*, that is to say, an act, intituled, *An act for the punishment of rogues, vagabonds and sturdy beggars*, with the provision annexed thereunto by one act made in the first year of the reign of the

1 Jac. 1. c. 25.

1. 10.

Mariners.

39 Eliz. c. 10.

23 Eliz. c. 7.

Wool cards.

39 Eliz. c. 14.

Malt.

39 Eliz. c. 16.

Poor.

43 Eliz. c. 3.

Frivolous suits.

43 Eliz. c. 6.

Poor.

43 Eliz. c. 2.

1 Jac. 1. c. 25.

Apprentice.

The overseers

of the poor

may put out

apprentices.

The church-

wardens, &c.

may let up any

trade to find

the poor work.

late King *James*, intituled, *An act for the continuing and reviving of divers statutes, and for repealing of some others*; (2) an act, intituled, *An act for the increase of mariners, and for maintenance of navigation*, repealing a former act made in the three and twentieth year of her said Majesty's reign, bearing the same title; (3) An act, intituled, *An act prohibiting the bringing into this realm of foreign cards for wool*; (4) An act, intituled, *An act for restraining the excessive making of malt*; (5) *An act against lewd and wandering persons, pretending to be soldiers or mariners*; (6) and the several acts hereafter-mentioned, made in the three and fortieth year of the reign of the said late Queen *Elizabeth*, that is to say, An act, intituled, *An act for the necessary relief of soldiers or mariners*; (7) An act, intituled, *An act to avoid trifling and frivolous suits in law in her Majesty's courts at Westminster*; (8) An act, intituled, *An act for relief of the poor*, with the addition thereunto made by an act made in the first year of the reign of the late King *James*, intituled, *An act for continuing of divers statutes, and for repeal of some others*, and with this further addition; (9) and be it enacted, That all persons to whom the overseers of the poor shall, according to the said act, bind any children apprentices, may take and receive, and keep them as apprentices; and also that the churchwardens and overseers of the poor, mentioned in the said act made in the said three and fortieth year, may, by and with the consent of two or more justices of the peace, whereof one to be of the quorum, within their respective limits, wherein shall be more justices than one, and where no more shall be than one with the assent of that one justice of the peace, set up, use and occupy any trade, mystery or occupation, only for the setting on work and better relief of the poor of the parish, town or place, of or within which they shall be churchwardens or overseers of the poor; any former statute to the contrary notwithstanding: (10) An act, intituled, *An act for the true making and working of woollen cloth*: (11) An act, intituled, *An act to prevent perjury and subornation of perjury, and unnecessary expence in suits of law*: (12) and the several acts made in the first year of the reign of the late King *James* after-mentioned; one act, intituled, *An act for continuance and explanation of the statute made in the nine and thirtieth year of the reign of the late Queen Elizabeth*, intituled, *An act for punishment of rogues, vagabonds and sturdy beggars*: (13) another, intituled, *An act to take away the benefit of clergy for some kind of manslaughter*: (14) another intituled, *An act concerning tanners, curriers, shoemakers and other artificers occupying the cutting of leather*, saving for such part thereof as is repealed by one other act made in the fourth year of his said late

Woolen cloth.

43 Eliz. c. 10.

Perjury.

43 Eliz. c. 5.

Poor.

1 Jac. 1. c. 7.

39 Eliz. c. 4.

1 Jac. 1. c. 8.

Leather.

1 Jac. 1. c. 22.

4 Jac. 1. c. 6.

Game.

1 Jac. 1. c. 27.

late

late Majesty's reign of England, in that behalf: (15) another, intituled, *An act for the better execution of the intent and meaning of former statutes made against shooting in guns, and for the preservation of the game of pheasants and partridges, and against the destroying of hares with hare-pipes, and tracing of hares in the snow*: (16) An act, intituled, *An act for avoiding of deceit in Hop-selling, buying or spending corrupt and unwelcome hops*: (17) An act, intituled, *An act for explanation of the statute made in the fifth year of the late Queen Elizabeth's reign, concerning labourers*: (18) *An act for the charitable relief and ordering of persons infected with the plague*: (19) and the several acts made in the third year of the reign of the late King James, after-mentioned, that is to say, one intituled, *An act for relief of such as lawfully use the trade and handicraft of skimmers*; (20) Another act, intituled, *An act for rating and levying of the charges for conveying malefactors and offenders to the gaol*; (21) Another act, for transportation of beer over the seas; (22) one other, intituled, *An act against unlawful hunting and stealing of deer and conies*; (23) and one act made in the fourth year of the reign of the said late King James, intituled, *An act for the better provision of meadow and pasture for the necessary maintenance of husbandry and tillage, in the manors, lordships and parishes of Marden, alias Mawarden, Bodenham, Wellington, Sutton St. Michael, Sutton St. Nicholas, Murton upon Lugge, and the parish of Pipe, and every of them, in the county of Hereford*: (24) and the several acts made in the seventh year of the reign of the said late King James after-mentioned; the one, intituled, *An act for the better execution of justice, and suppressing of criminal offenders in the north parts of the kingdom of England*; (25) another, intituled, *An act for the due execution of divers laws and statutes heretofore made against rogues, vagabonds and sturdy beggars, and other lewd and idle persons*; (26) Another, intituled, *An act to prevent the spoil of corn and grain by untimely hawking, and for the better preservation of pheasants and partridges*; (27) one other, intituled, *An act to avoid the double payment of debts*; (28) one other, intituled, *An act for the explanation of one statute made in the second session of that present parliament, intituled, An act against unlawful hunting of deer and conies*; (29) And one other act, intituled, *An act for the taking, landing and carrying of sea sand for the bettering of grounds, and for the increase of corn and tillage, within the counties of Devon and Cornwall*: (30) and that one part of the statute made in the five and twentieth year of the reign of the late King Henry the Eighth, intituled, *An act for the destruction of wild fowl*, which was repealed by a later act in the parliament holden in the third and fourth years of the reign of the late King Edward the Sixth, and revived in the parliament holden in the one and twentieth year of the reign of the late King James: (31) and one act made in the first year of the reign of the late Queen Mary, for and concerning the making, repairing and amendment of the common ways.

highway and Cawley in the counties of *Dorset* and *Somerset* between the towns of *Shaftsbury* and *Sherborn* in the said count of *Dorset*, and revived in the said one and twentieth year : (32) and also the several acts hereafter-mentioned, made in the said one and twentieth year of the reign of the late King *James*

Women.

21 Jac. 1. c. 6.

that is to say, An act intituled, *An act concerning women convicted of small felonies*; (33) And one act, intituled, *An act for the continuance of a former statute made in the fourth year of the*

Woolen cloth.

21 Jac. 1. c. 18.

4 Jac. 1. c. 2.

21 Jac. 1. c. 28.

reign of the said late King *James*, intituled, *An act for the true making of woolen clothes, and for some additions and alterations in and to the same*; together with so much of one act made in the said fourth year, as was in force the last day of the session of parliament holden in the said one and twentieth year: (34)

Curfing and swearing.

21 Jac. 1. c. 20.

Bastardy.

21 Jac. 1. c. 27.

The 56 statutes

above men-

tioned contin-

ued until the

end of the first

session of the

next parlia-

ment.

1 Car. 1. c. 1.

Lord's day.

Continued till

some other act

be made for

continuance

or disconti-

nuance of the

said act.

Corn:

When corn

may be trans-

ported.

21 Jac. 1. c. 28.

And one other act, intituled, *An act to prevent and reform profane swearing and cursing*; (35) And one act, intituled, *An act to prevent the destroying and murdering of bastard children*; (36) by virtue of this act, shall be and continue until the end of the first session of the next parliament, in force and effect as the same were the first day of the session of parliament holden in the first year of the reign of our sovereign lord the King that now is: (37) and be it also enacted, that one statute made in the said first year of his Majesty's reign that now is, intituled, *An act for punishing of divers abuses committed on the Lord's day*, shall continue in force until the end of the first session of the next parliament.

XXIII. Provided nevertheless, That so much of every of the said acts, as by any new act made in this session of parliament are or shall be explained, altered or repealed, shall for so much thereof, from the end of this session of parliament, stand and be in force as by those other acts shall be ordained.

XXIV. Provided also, and be it further enacted by the authority of this present parliament, That when the prices of corn or grain, at the times, havens and places, when and where the said corn or grain shall be bought, shipped or laden, exceed not the rates hereafter following, *viz.* The quarter of wheat at thirty and two shillings the quarter; the quarter of rye at twenty shillings; the quarter of pease and beans at sixteen shillings; the quarter of barley or malt at sixteen shillings of current English money; that then it shall be lawful for all and every person and persons, being subjects of the King's majesty, his heirs and successors, and born within this realm, to carry and transport of his own, and to buy to sell again in markets and out of markets, and to keep or sell, or carry and transport, any of the said corns and grains from the places where they shall be of such prices, unto any parts beyond the seas in amity with his Majesty, as merchandize, in ships, crayers or other vessels, whereof any English-born subject or subjects then shall be the owner or owners, or the same to carry and sell in other places with-

in this realm or dominions thereof; any law, statute or
usage to the contrary heretof notwithstanding: and that the King's majesty, his heirs and successors, shall have and receive by the customers and officers of his ports, for the custom or poundage of every quarter of wheat, to be transported by force of this statute, out of this realm, two shillings; of every quarter of other grain, sixteen-pence: which said several sums so to be had and taken as custom or poundage, shall be in full satisfaction of all manner of custom or poundage for the said corn or grain, by any constitution, order, statute, law or custom heretofore made, used or taken for transporting any such manner of corn or grain, or made in this present session of parliament or hereafter to be made.

XXV. Provided always, and be it enacted by the authority of this present parliament, That the King's majesty, his heirs and successors, may at all times by his and their writ of proclamation, to be published generally in the whole realm, or in any of the counties of this realm, where any ports are, command, that no person shall by virtue of this act transport or convey any manner of grain out of his Highness's dominions generally, or out of any special ports, to be in the said proclamation particularly named, for such time as shall be therein limited and appointed: (1) and it shall not be lawful for any person to carry out any such grain contrary to the tenor of the said proclamation, upon such pains and forfeitures as by the laws and statutes of this realm are and have been provided and ordained in that behalf; this act or any thing therein contained to the contrary notwithstanding.

XXVI. Provided also, and be it enacted, That no person or persons shall incur any penalty for want of length, breadth or weight of Welsh cottons, under the price of fifteen pence the yard, or two shillings the load, so as they be not mixt with hair or other deceitful stuff, nor for any others above that price, except they shall be mixt as aforesaid, or shall shrink above the rate of half a yard in twelve yards of length, or weigh less than fourteen ounces the yard, or hold not full three quarters of a yard broad.

XXVII. And be it also enacted by the authority aforesaid, That that part of one statute made in the sixteenth year of the reign of the late King *Richard* the Second, by which it is ordained, that no manner of spicery, after that it be brought into the realm, shall be carried out of the same realm by aliens nor by denizens, upon pain of forfeiture thereof: (2) and one statute made in the sixteenth year of the reign of the late King *Richard* the Second, concerning liveries: (3) and one other statute made in the twentieth year of the reign of the late King *Richard* the Second, by which it is ordained, that no vadelets called yeomen, nor other of lesser estate than an esquire, shall use or bear any sign of livery, called livery

- 1 H. 4. c. 7. livery of company, of any lord within the realm: (4) and on statute made in the first year of the reign of the late King Henry the Fourth, concerning giving of liveries: (5) and on statute made in the seventh year of the reign of the late King Henry the Fourth, concerning giving of liveries: (6) and on other statute made in the thirteenth year of the reign of the late King Henry the Fourth, concerning giving of liveries: (7) and one statute made in the eighth year of the reign of the late King Henry the Sixth, concerning liveries: (8) and one statute made in the eighth year of the reign of the late King Edward the Fourth, concerning liveries: (9) and so much of one statute made in the third year of the reign of the late King Henry the Seventh, concerning the star-chamber, as toucheth or concerneth the punishment of those that shall give or take liveries: (10) and one other statute made in the said third year, concerning taking of liveries by the King's officers and farmors; (11) be from henceforth repealed.

3 H. 7. c. 12.
A repeal of
the nine sta-
tutes last men-
tioned.

Lands pre-
served from
the sea.

7 Jac. 1. c. 20.
Continued un-
til the next
parliament.

XXVIII. And be it also enacted by authority of this parliament, That one act of parliament made in the seventh year of the reign of the late King James, intituled, *An act for the speedy recovery of many thousand acres of marsh grounds, and other grounds within the counties of Norfolk and Suffolk, lately surrounded by the rage of the sea, in divers parts of the said counties, and for the prevention of the danger of the like surrounding hereafter*, be continued, and shall stand in force until the end of the next session of parliament. By 16 Car. 1. c. 4. All acts hereby continued are further continued.

CAP. V. (VI.)

The estates of the tenants of Bromfield and Yale in the county of Denbigh, and of the tenures, rents and services thereupon reserved (according to the late composition made for the same with the King's most excellent majesty, then prince of Wales) ratified and confirmed.

CAP. VI. (VII.)

Five subsidies granted by the spirituality. EXP.

CAP. VII. (VIII.)

Five subsidies granted by the temporality Anno quarto Caroli Regis.
EXP.

Anno Regni CAROLI, Regis Angliæ, Scotiæ, Franciæ, & Hiberniæ, decimo sexto.

AT the parliament begun at Westminster the third day of November, Anno Dom. one thousand six hundred and forty, in the sixteenth year of the reign of Charles the First, by the grace of God, of England, Scotland, France and Ireland, King, defender of the faith, &c. To the high pleasure of Almighty God, and the weal publick of this realm; were enacted as followeth.

CAP. I.

An act for the preventing of inconveniences happening by the long intermission of parliament. *Repealed and altered. 16 Car. 2. c. 1.*

CAP. II.

An act for the relief of his Majesty's army, and the northern parts of the kingdom. *EXP.*

CAP. III.

An act for the reforming of some things mistaken in the late act made this present parliament for the granting of four subsidies, intituled, An act for the relief of his Majesty's army, and the northern parts of this kingdom, and to make good the acts of the commissioners and other officers by them authorized or appointed, and to be authorized or appointed. *EXP.*

CAP. IV.

An act for the further relief of his Majesty's army, and the northern parts of the kingdom. EXP.

(II.) **A**ND be it enacted by the authority aforesaid, That *Divers statutes* the passing of this present act or of any other act or continued. acts, or his Majesty's royal assent to them or any of them in this present session of parliament, shall not be any determination of the said session; and that all statutes and acts of parliament which have their continuance, or were by an act of parliament made in the third year of the reign of his Majesty that now is, intituled, *An act for the continuance and repeal of divers statutes,* continued until the end of the first session of the then next parliament, shall by virtue of this act be adjudged ever since the session of parliament in the said third year, to have been of such force and effect as the same were the last day of that session, and from thenceforth until some other act of parliament be made touching the continuance or discontinuance of the said statutes and acts in the said act of the third year of his Majesty's reign continued as aforesaid. *3 Car. 1. c. 4. continued further.*

CAP.

CAP. V.

An act for the better raising and levying of mariners, sailors and others for the present guarding of the sea, and necessary defence of the realm. EXP.

CAP. VI.

An act concerning the limitation and abbreviation of Michaelmas term.

Inconvenience
of Michaelmas
term being
so soon after
the feast of
St. Michael.
a Roll. 443.

WHEREAS the term of St. Michael, commonly called Michaelmas term, doth begin so soon after the feast of St. Michael, that it is generally found to be very inconvenient to his Majesty's subjects, both nobles and others, as well for the keeping of the quarter-sessions next after the feast of St. Michael the archangel, and the keeping of their leets, law-days and court-barons, which they can by no means attend in regard of the necessity of their coming to the said term so speedily after the feast of St. Michael the archangel, to appear upon juries, and to follow their causes and suits in the law; the same time being the chief time of all the year for the sowing of land with winter corn, and for the disposing and setting in order of all their winter husbandry and business, and for the receiving and paying of rents; and in many parts of this kingdom barneft is seldom or never innd till three weeks after the said feast:

In Michael-
mas term shall
be six common
days of return
only.

II. Therefore the King's most excellent majesty, out of the princely care that he hath of all his loving subjects, having a special care to the increase and continuance of their wealth and good estates, by the assent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, ordaineth, enacteth and establisheth, That in the said Michaelmas term there shall be six common days of return only, and not above; that is to say, (2) the first day of the return thereof shall be and be called *A die Sancti Michaelis in tres septimanas*; (3) the second day of return of the same term shall be and be called *A die Sancti Michaelis in unum mensem*; (4) the third day of return of the same term shall be and be called *in crastino quimarum*; (5) the fourth day of return of the same term shall be and be called *In crastino Sancti Martini*; (6) the fifth day of return of the same term shall be and be called *In octabis Sancti Martini*; (7) and the sixth day of return of the said term shall be and be called *A die Sancti Martini in quindecim dies*.

III. And that the same days of return shall be observed in all the high courts of record of our sovereign lord the King, his heirs and successors, hereafter to be holden at Westminster, or other place or places at the assignment or appointment of our sovereign lord the King, his heirs and successors: (2) and that from and after the feast of St. Michael the archangel next coming there shall not be nor be called any days of

The return-
days to be ob-
served.

of return in *Octabis Sancti Michaelis*, nor *A die sancti Michaelis in quindecim dies*, nor either of them: (3) and that the said term of St. Michael yearly for ever, from and after the said feast of St. Michael the archangel next coming, begin in and upon the said *tres septimanas Sancti Michaelis*, whensoever it shall happen to fall (except it be on the Lord's day commonly called *Sunday*, and then on the morrow next after) for the keeping of the essoins, profers, returns and other ceremonies heretofore used and kept, in like manner and form as hath been used to be done in the day of the return, commonly called *Octabis Sancti Michaelis*: (4) and that the full term of St. Michael shall yearly for ever, from and after the said feast of St. Michael next coming, in all the aforesaid courts of record begin and take his commencement upon the *Quarta die* of the said *tres septimanas Sancti Michaelis*, and not before, as formerly it hath been used upon the *quarto die* of *Octabis Sancti Michaelis*, except it be on the lord's day commonly called *Sunday*, and then on the morrow next after.

Two return-days taken away.

When the term shall begin.

IV. And be it further enacted by the authority aforesaid, That if after the feast of St. Michael the archangel next coming, any writ in any real action, other than writs of entry for common recoveries, and writs of right of advowson, and writs of dower *unde nihil habet*, hereafter mentioned, come in and be returnable in his Majesty's court of common pleas, in the day of return of *tres septimanas Sancti Michaelis*, then day shall be given in *crastino Purificationis beate Mariæ*: (2) and if *A die Sancti Michaelis in unum mensem*, then in *Octabis purificationis beate Mariæ*; (3) if in *crastino animarum*, then in *quindena paschæ*; (4) if in *crastino Sancti Martini*, then *A die paschæ in tres septimanas*; (5) if in *Octabis Sancti Martini*, then *A die paschæ in unum mensem*; (6) if in *quindena Sancti Martini*, then in *quinq; septimanas paschæ*; (7) if in *Octabis Sancti Hillarii*, then in *crastino Ascensionis Domini*; (8) if in *quindena Sancti Hillarii*, then in *crastino Sanctæ Trinitatis*; (9) if in *crastino purificationis beate Mariæ*, then in *Octabis Sanctæ Trinitatis*; (10) if in *Octabis purificationis beate Mariæ*, then in *quindena Sanctæ Trinitatis*; (11) if in *quindena paschæ*, then *A die Sanctæ Trinitatis in tres septimanas*; (12) if *A die paschæ in tres septimanas*, then *A die Sancti Michaelis in tres septimanas*; (13) if *A die paschæ in unum mensem*, then *A die Sancti Michaelis in unum mensem*; (14) if *A die paschæ in quinq; septimanas*, then in *crastino animarum*; (15) if in *crastino Ascensionis Domini*, then in *crastino Sancti Martini*; (16) if in *crastino Sanctæ Trinitatis*, then in *Octabis Sancti Martini*; (17) if in *Octabis Sanctæ Trinitatis*, then in *quindena Sancti Martini*; (18) if in *quindena Sanctæ Trinitatis*, then in *Octabis Sancti Hillarii*; (19) if *A die Sanctæ Trinitatis in tres septimanas*, then in *quindena Sancti Hillarii*.

How days shall be given on writs in real actions, other than writs of entry, right of advowson, or dower.

V. And for the more speedy proceeding in writs of dower, and writs of entry for common recoveries, to be sued and prosecuted by writs of entry, or writs of right of advowson, (2) be it further enacted by the authority aforesaid, That if after

How days shall be given in these writs

the

the said feast of St. *Michael* the archangel next coming, any writ of dower *unde nihil habet*, or any writ of entry whereupon a common recovery is to be sued, or writs of right of advowson, be returnable, *A die Sancti Michaelis in tres septimanas*, then a day shall be given in *Octabis Sancti Martini*; (3) if *A die Sancti Michaelis in unum mensem*, then in *quindena Sancti Martini*; (4) if in *crastino animarum*, then in *Octabis Sancti hillarii*; (5) if in *crastino Sancti Martini*, then in *quindena Sancti hillarii*; (6) if in *Octabis Sancti Martini*, then in *crastino purificationis beatæ Mariæ*; (7) if in *quindena Sancti Martini*, then in *Octabis purificationis beatæ Mariæ*; (8) if in *Octabis Sancti hillarii*, then in *quindena paschæ*; (9) if in *quindena Sancti hillarii*, then *A die paschæ in tres septimanas*; (10) if in *crastino purificationis beatæ Mariæ*, then *A die paschæ in unum mensem*; (11) if in *Octabis purificationis beatæ Mariæ*, then *A die paschæ in quinque septimanas*; (12) if in *quindena paschæ*, then in *crastino Ascensionis Domini*; (13) if *A die paschæ in tres septimanas*, then in *crastino sanctæ Trinitatis*; (14) if in *mense paschæ*, then in *Octabis sanctæ Trinitatis*; (15) if in *quinque septimanas paschæ*, then in *quindena sanctæ Trinitatis*; (16) if in *crastino Ascensionis Domini*, then *A die sanctæ Trinitatis in tres septimanas*; (17) if in *crastino sanctæ Trinitatis*, then *A die Sancti Michaelis in tres septimanas*; (18) if in *Octabis sanctæ Trinitatis*, then *A die Sancti Michaelis in unum mensem*; (19) if in *quindena sanctæ Trinitatis*, then in *crastino animarum*; (20) if *A die sanctæ Trinitatis in tres septimanas*, then in *crastino Sancti Martini*.

In writs of dower, after issue joined, fifteen days between the teste and return sufficient.

VI. Provided nevertheless, and be it likewise enacted by the authority aforesaid, That in all writs of dower *unde nihil habet*, after issue joined, it shall not be needful or requisite to have above fifteen days betwixt the teste and return of the *venire facias*, or any other process to be sued out for the trial of the said issue; but that the writ of *venire facias*, and other process after issue joined, until judgment be given, having only fifteen days between the teste and return thereof, shall be good and effectual in law, as is used in personal actions; any law, statute or usage to the contrary heretofore notwithstanding.

Crastino Ascensionis a perfect return. The effoin days.

VII. And be it further enacted by the authority aforesaid, That from and after the feast of St. *Michael* the archangel now next coming, the said day of return, called *crastino Ascensionis Domini*, shall be a good and perfect return to all intents and purposes, as any other of the said days of return before-mentioned is or hath been used, notwithstanding there be not fifteen days between the *quarto die* of the said return of *crastino Ascensionis Domini* and the effoin day of the return of *crastino sanctæ Trinitatis*.

Writs in personal actions, having day from *tres Michaelis* till *crastino animarum*, good.

Lutw. 26.

VIII. And be it further enacted, That all writs and process in personal actions hereafter to be made out of any of his Majesty's said courts at *Westminster*, and having day from *tres Michaelis* until *crastino animarum*, shall be good and effectual in law, notwithstanding there be not fifteen days betwixt the *quarto die* of the said *tres septimanas Sancti Michaelis* and the days of effoin of *crastino animarum*; any law, statute or usage to the contrary heretofore notwithstanding.

IX. Provided always, and be it further enacted by the authority aforesaid, That all writs and process to be made from and after the feast of *Easter* in the year of our Lord God one thousand six hundred forty-one, returnable in *octabis*, or *quindena Sancti Michaelis* now next ensuing, or having days betwixt any of the said returns, shall by force of this act have day unto *tres septimanas Sancti Michaelis* next, and the parties to the said writs and process shall then appear and plead, and proceed thereupon, to all intents and purposes, as if the said writs and process had been made returnable *a die Sancti Michaelis in tres septimanas*.

Proviso for writs returnable 1641. Exp.

X. And whereas before the making of this act, all writs of summons *ad Warrantizand.* against the vouches, upon common recoveries had in writs of entry, and writs of right of advowson, were made for nine returns inclusive; (2) now for the more speedy perfecting of such recoveries, be it enacted by the authority aforesaid, That from and after the said feast of St. Michael the archangel next, all and every such writs of summons *ad Warrantizand.* upon the appearance of the tenant to every such writs of entry, and writ of right of advowson, shall and may be made and abridged to five returns, as writs of summons *ad Warrantizand.* in writs of dower *unde nihil habet*, heretofore have been used and accustomed.

Writs of summons *ad Warrantizand.* upon common recoveries, and writs of right of advowson, abridged to five returns.

XI. And it is further enacted by the authority aforesaid, That all common writs and process, as well personal as mixt, which shall fortune to be returnable in the said *Michaelmas* term, shall have and keep the said returns of *A die Sancti Michaelis in tres septimanas*, *A die Sancti Michaelis in unum mensem*, *in crastino animarum*, *in crastino Sancti Martini*, *in octabis Sancti Martini*, and *a die Sancti Martini in quindecim dies*, or any of them.

Common writs and process to keep the aforesaid returns.

XII. Provided always, and it is further enacted by the authority aforesaid, That in such and like cases and process, as special days have been used to be appointed and assigned and given, for the returning of writs and process, it shall be lawful to the justices of every of the King's said courts of record for the time being, in all the process by them awarded, to assign and appoint special days of returns, as by their discretions shall be thought convenient.

Special days may be appointed as have been used.

XIII. Provided also, and be it further enacted by the authority aforesaid, That the days in assize of *darrein presentment*, and in plea of *quare impedit*, limited and appointed by the statute of *Marlebridge*, and also the days to be given in attain, limited in the statute made in the fifth year of the reign of the noble King Edward the Third, and also in the statute made in the three and twentieth year of the reign of the late King Henry the Eighth, of worthy memory, being not contrary to the tenors of this act, shall be holden firm and stable, and shall stand in their full force and effect. 52 H. 3. c. 12. 5 Ed. 3. c. 6. 23 H. 8. c. 3. 32 H. 8. c. 2.

Days in assize of *darrein presentment*, and in plea of *quare impedit*, and in attain, not contrary hereto, shall be in force.

CAP. VII.

An act to prevent inconveniencies by the untimely adjournment of parliaments. EXP.

CAP. VIII.

A subsidy granted to the King of tonnage, poundage, and other sums of money payable upon merchandize exported and imported. EXP.

CAP. IX.

An act for the speedy provision of money for disbanding the armies, and settling the peace of the two kingdoms of England and Scotland. EXP.

CAP. X.

An act for the regulating of the privy council, and for taking away the court commonly called the star-chamber.

Recital of
magna charta,
and several
statutes.

9 H. 3. stat. 1.

c. 29.

5 Ed. 3. c. 9.

3 H. 7. c. 1.

25 Ed. 3. stat. 5.

c. 4.

18 Ed. 3. c. 3.

42 Ed. 3. c. 3.

36 Ed. 3. c. 15.

3 H. 7. c. 1.

WHEREAS by the great charter many times confirmed in parliament, it is enacted, That no freeman shall be taken or imprisoned, or disseised of his freehold or liberties, or free customs, or be outlawed or exiled or otherwise destroyed, and that the King will not pass upon him, or condemn him; but by lawful judgment of his peers, or by the law of the land: (2) and by another statute made in the fifth year of the reign of King Edward the Third, it is enacted, That no man shall be attached by any accusation, nor forejudged of life or limb, nor his lands, tenements, goods nor chattels seized into the King's hands, against the form of the great charter and the law of the land: (3) and by another statute made in the five and twentieth year of the reign of the same King Edward the Third, it is accorded, assented and established, That none shall be taken by petition or suggestion made to the King, or to his council, unless it be by indictment or presentment of good and lawful people of the same neighbourhood where such deeds be done, in due manner, or by process made by writ original at the common law, and that none be put out of his franchise or freehold, unless he be duly brought in to answer, and forejudged of the same by the course of the law, and if any thing be done against the same, it shall be redressed and holden for none: (4) and by another statute made in the eight and twentieth year of the reign of the same King Edward the Third, it is amongst other things enacted, That no man of what estate or condition soever he be, shall be put out of his lands or tenements, nor taken, nor imprisoned, nor disinherited, without being brought in to answer by due process of law: (5) and by another statute made in the two and fortieth year of the reign of the said King Edward the Third, it is enacted, That no man be put to answer, without presentment before justices, or matter of record, or by due process and writ original, according to the old law of the land, and if any thing be done to the contrary, it shall be void in law, and holden for error: (6) and by another statute made in the six and thirtieth year of the same King Edward the Third, it is amongst other things enacted, That all pleas which shall be pleaded in any courts before any the King's justices, or in his other places, or before any of his other ministers, or in the courts and places of any other lords within the realm, shall be entred and enrolled in latin: (7) and whereas by the statute made in the third year of King Henry the Seventh, power is given to the chancellor, the lord treasurer of England for the time being, and the keeper of the King's privy seal, or two of them, calling unto them a bishop and a temporal lord of the King's most honourable council, and the two chief

chief justices of the King's bench and common pleas for the time being, or other two justices in their absence, to proceed as in that act is expressed, for the punishment of some particular offences therein mentioned: (8) and by the statute made in the one and twentieth year of King Henry the Eighth, the president of the council is associated to join with the lord chancellor and other judges in the said statute of the Third of Henry the Seventh mentioned; (9) but the said judges have not kept themselves to the points limited by the said statute, but have undertaken to punish where no law doth warrant, and to make decrees for things having no such authority, and to inflict heavier punishments than by any law is warranted:

II. And forasmuch as all matters examinable or determinable before the said judges, or in the court commonly called the star-chamber, may have their proper remedy and redress, and their due punishment and correction, by the common law of the land, and in the ordinary course of justice elsewhere; (2) and forasmuch as the reasons and motives inducing the erection and continuance of that court do now cease: (3) and the proceedings, censures and decrees of that court, have by experience been found to be an intolerable burthen to the subjects, and the means to introduce an arbitrary power and government; (4) and forasmuch as the council-table hath of late times assumed unto it self a power to intermeddle in civil causes and matters only of private interest between party and party, and have adventured to determine of the estates and liberties of the subject, contrary to the law of the land and the rights and privileges of the subject, by which great and manifold mischiefs and inconveniencies have arisen and happened, and much uncertainty by means of such proceedings hath been conceived concerning mens rights and estates; for settling whereof, and preventing the like in time to come,

All matters examinable in the star-chamber, may be examinable and redressed by the common law.

III. Be it ordained and enacted by the authority of this present parliament, That the said court commonly called the star-chamber, and all jurisdiction, power and authority belonging unto, or exercised in the same court, or by any the judges, officers or ministers thereof, be from the first day of August in the year of our Lord God one thousand six hundred forty and one, clearly and absolutely dissolved, taken away and determined; (2) and that from the said first day of August neither the lord chancellor, or keeper of the great seal of England, the lord treasurer of England, the keeper of the King's privy seal, or president of the council, nor any bishop, temporal lord, privy counsellor or judge, or justice whatsoever, shall have any power or authority to hear, examine or determine any matter or thing whatsoever, in the said court commonly called the star-chamber, or to make, pronounce or deliver any judgment, sentence, order or decree, or to do any judicial or ministerial act in the said court: (3) and that all and every act and acts of parliament, and all and every article, clause and sentence in them, and every of them, by which any jurisdiction, power or authority is given, limited or appointed unto the said court commonly called the star-chamber, or unto all or any the judges, officers or ministers thereof, or for any proceedings to be had or made in

Court of star-chamber, and all its powers dissolved.

the said court, or for any matter or thing to be drawn into question, examined or determined there, shall for so much as concerneth the said court of star-chamber, and the power and authority thereby given unto it, be from the said first day of *August* repealed, and absolutely revoked and made void.

Like jurisdiction in several other courts repealed and taken away.

IV. And be it likewise enacted, That the like jurisdiction now used and exercised in the court before the president and council in the marches of *Wales*; (2) and also in the court before the president and council established in the northern parts; (3) and also in the court commonly called the court of the duchy of *Lancaster*, held before the chancellor and council of that court (4) and also in the court of exchequer of the county palatine of *Chester*, held before the chamberlain and council of that court (5) the like jurisdiction being exercised there, shall from the said first day of *August* one thousand six hundred forty and one, be also repealed and absolutely revoked and made void; any law, prescription, custom or usage, or the said statute made in the third year of King *Henry* the Seventh, or the statute made the one and twentieth of *Henry* the Eighth, or any act or acts of parliament heretofore had or made, to the contrary thereof in any wise notwithstanding: (6) and that from henceforth no court, council or place of judicature, shall be erected, ordained, constituted or appointed within this realm of *England*, or dominion of *Wales*, which shall have, use or exercise the same or the like jurisdiction as is or hath been used, practised or exercised in the said court of star-chamber.

3 H. 7. c. 1.

21 H. 8. c. 20.

No court or council to have the like jurisdiction.

The King or his privy council shall not have jurisdiction over any man's estate.

V. Be it likewise declared and enacted by authority of this present parliament, That neither his Majesty, nor his privy council, have or ought to have any jurisdiction, power or authority, by *English* bill, petition, articles, libel or any other arbitrary way whatsoever, to examine or draw into question, determine or dispose of the lands, tenements, hereditaments, goods or chattels of any the subjects of this kingdom, but that the same ought to be tried and determined in the ordinary courts of justice, and by the ordinary course of the law.

Penalties upon great officers and others for the first offence.

VI. And be it further provided and enacted, That if any lord chancellor, or keeper of the great seal of *England*, lord treasurer, keeper of the King's privy seal, president of the council, bishop, temporal lord, privy counsellor, judge or justice whatsoever, shall offend, or do any thing contrary to the purport, true intent and meaning of this law, then he or they shall for such offence forfeit the sum of five hundred pounds of lawful money of *England* unto any party grieved, his executors or administrators, who shall really prosecute for the same, and first obtain judgment thereupon, to be recorded in any court of record at *Westminster*, by action of debt, bill, plaint or information, wherein no essoin, protection, wager of law, aid prayer, privilege, injunction or order of restraint, shall be in any wise prayed, granted or allowed, nor any more than one imparlance: (2) and if any person against whom any such judgment or recovery shall be had as aforesaid, shall after such judgment or recovery offend

Second offence.

offend again in the same, then he or they for such offence shall forfeit the sum of one thousand pounds of lawful money of *England* unto any party grieved, his executors or administrators, who shall really prosecute for the same, and first obtain judgment thereupon, to be recorded in any court of record at *Westminster*, by action of debt, bill, plaint or information, in which no *essoyn*, protection, wager of law, aid prayer, privilege, injunction or order of restraint shall be in any wise prayed, granted or allowed, nor any more than one imparlance: (3) and if any person against whom any such second judgment or recovery shall be had as aforesaid, shall after such judgment or recovery offend again in the same kind, and shall be thereof duly convicted by indictment, information, or any other lawful way or means, that such person so convicted shall be from thenceforth disabled, and become by virtue of this act incapable *ipso facto*, to bear his and their said office and offices respectively; (4) and shall be likewise disabled to make any gift, grant, conveyance, or other disposition of any of his lands, tenements, hereditaments, goods or chattels, or to take any benefit of any gift, conveyance or legacy to his own use.

Third offence.

VII. And every person so offending shall likewise forfeit and lose unto the party grieved, by any thing done contrary to the true intent and meaning of this law, his treble damages which he shall sustain and be put unto by means or occasion of any such act or thing done, the same to be recovered in any of his Majesty's courts of record at *Westminster*, by action of debt, bill, plaint or information, wherein no *essoyn*, protection, wager of law, aid prayer, privilege, injunction or order of restraint, shall be in any wise prayed, granted or allowed, nor any more than one imparlance.

Treble damages to the party grieved.

VIII. And be it also provided and enacted, That if any person shall hereafter be committed, restrained of his liberty, or suffer imprisonment, by the order or decree of any such court of star-chamber, or other court aforesaid, now or at any time hereafter, having or pretending to have the same or like jurisdiction, power or authority to commit or imprison as aforesaid, (2) or by the command or warrant of the King's majesty, his heirs or successors, in their own person, or by the command or warrant of the council-board, or of any of the lords or others of his Majesty's privy council; (3) that in every such case every person so committed, restrained of his liberty, or suffering imprisonment, upon demand or motion made by his counsel, or other employed by him for that purpose, unto the judges of the court of King's bench or common pleas, in open court, shall without delay, upon any pretence whatsoever, for the ordinary fees usually paid for the same, have forthwith granted unto him a writ of *habeas corpus*, to be directed generally unto all and every sheriffs, gaoler, minister, officer or other persons in whose custody the party committed or restrained shall be, (4) and the sheriffs, gaoler, minister, officer or other person in whose custody the party so committed or restrained shall be, shall at the return

Every person committed contrary to this act shall have an *habeas corpus*,

of the said writ, and according to the command thereof, upon due and convenient notice thereof given unto him, at the charge of the party who requireth or procureth such writ, and upon security by his own bond given, to pay the charge of carrying back the prisoner, if he shall be remanded by the court to which he shall be brought, as in like cases hath been used, such charges of bringing up and carrying back the prisoner to be always ordered by the court, if any difference shall arise thereabout, bring or cause to be brought the body of the said party so committed or restrained unto and before the judges or justices of the said court from whence the same writ shall issue, in open court, (5) and shall then likewise certify the true cause of such his detainer or imprisonment; and thereupon the court, within three court-days after such return made and delivered in open court, shall proceed to examine and determine whether the cause of such commitment appearing upon the said return be just and legal, or not, and shall thereupon do what to justice shall appertain, either by delivering, bailing or remanding the prisoner: (6) and if any thing shall be otherwise wilfully done or omitted to be done by any judge, justice, officer or other person afore-mentioned, contrary to the direction and true meaning hereof, that then such person so offending shall forfeit to the party grieved his treble damages, to be recovered by such means, and in such manner as is formerly in this act limited and appointed for the like penalty to be sued for and recovered.

Treble damages in default.

To what courts this act shall extend.

IX. Provided always, and be it enacted, That this act and the several clauses therein contained shall be taken and expounded to extend only to the court of star-chamber, (2) and to the said courts holden before the president and council in the marches of *Wales*, (3) and before the president and council in the northern parts, (4) and also to the court commonly called the court of the duchy of *Lancaster*, holden before the chancellor and council of that court, (5) and also in the court of exchequer of the county palatine of *Chester*, held before the chamberlain and council of that court, (6) and to all courts of like jurisdiction to be hereafter erected, ordained, constituted or appointed as afore-said; and to the warrants and directions of the council-board, and to the commitments, restraints and imprisonments of any person or persons made, commanded or awarded by the King's majesty, his heirs or successors, in their own person, or by the lords and others of the privy council, and every one of them.

Offenders against this act shall be impleaded within two years after any offence.

X. And lastly, provided, and be it enacted, That no person or persons shall be sued, impleaded, molested or troubled for any offence against this present act, unless the party supposed to have so offended shall be sued or impleaded for the same within two years at the most after such time wherein the said offence shall be committed.

CAP. XI.

A repeal of a branch of a statute primo Elizabethæ, concerning commissioners for causes ecclesiastical.

WHEREAS in the parliament holden in the first year of the^{1. Eliz. c. 1.} reign of the late Queen Elizabeth late Queen of England, ^{c. 18.} there was an act made and established, intituled, An act restoring to the crown the ancient jurisdiction over the state ecclesiastical and spiritual, and abolishing all foreign power repugnant to the same; in which act, amongst other things, there is contained one clause, branch, article or sentence, whereby it was enacted to this effect: namely, That the said late Queen's highness, her heirs and successors, Kings or Queens of this realm, should have full power and authority by virtue of that act, by letters patents under the great seal of England, to assign, name and authorize, when and as often as her Highness, her heirs or successors, should think meet and convenient, and for such and so long time as should please her Highness, her heirs or successors, such person or persons being natural-born subjects to her Highness, her heirs or successors, as her Majesty, her heirs or successors, should think meet to exercise, use, occupy and execute under her Highness, her heirs and successors, all manner of jurisdictions, privileges and prebeminence, in any wise touching or concerning any spiritual or ecclesiastical jurisdiction within these her realms of England and Ireland, or any other her Highness dominions and countries, and to visit, reform, redress, order, correct and amend all such errors, heresies, schisms, abuses, offences, contempts and enormities whatsoever, which by any manner of spiritual or ecclesiastical power, authority or jurisdiction, can or may lawfully be reformed, ordered, redressed, corrected, restrained or amended, to the pleasure of Almighty God, the increase of virtue, and the conservation of the peace and unity of this realm: and that such person or persons so to be named, assigned, authorized and appointed by her Highness, her heirs or successors, after the said letters patents to him or them made and delivered as aforesaid, should have full power and authority, by virtue of that act, and of the said letters patents, under her Highness, her heirs or successors, to exercise, use and execute all the premisses, according to the tenor and effect of the said letters patents; any matter or cause to the contrary in any wise notwithstanding.

II. And whereas by colour of some words in the aforesaid branch of High commission court. the said act, whereby commissioners are authorized to execute their commission according to the tenor and effect of the King's letters patents, and by letters patents grounded thereupon, the said commissioners have, to the great and insufferable wrong and oppression of the King's subjects, used to fine and imprison them, and to exercise other authority not belonging to ecclesiastical jurisdiction restored by that act, and divers other great mischiefs and inconveniencies have also ensued to the King's subjects, by occasion of the said branch and commissions issued thereupon, and the executions thereof: therefore for the repelling and preventing of the foresaid abuses, mischiefs and inconveniencies in time to come;

III. Be it enacted by the King's most excellent majesty, and The said
the branch of the

: Eliz.

c. 1. repealed.

the lords and commons, in this present parliament assent and by the authority of the same, That the foresaid branch, clause, article or sentence, contained in the said act, and word, matter and thing contained in that branch, clause, and sentence, shall from henceforth be repealed, annulled, red, annihilated and utterly made void for ever; any thing to the contrary in any wise notwithstanding.

Power taken away from archbishops, bishops and other ecclesiastical persons and courts.

IV. And be it also enacted by the authority aforesaid, That no archbishop, bishop nor vicar general, nor any chancellor official nor commissary of any archbishop, bishop or vicar general, nor any ordinary whatsoever, nor any other spiritual or ecclesiastical judge, officer or minister of justice, nor any other person or persons whatsoever, exercising spiritual or ecclesiastical power, authority or jurisdiction, by any grant, licence, commission of the King's majesty, his heirs or successors, or any power or authority derived from the King, his heirs or successors, or otherwise, shall from and after the first day of August which shall be in the year of our Lord God one thousand

3 Cro. 262.

13 Car. 2.

stat. 1. c. 12.

§. 4.

hundred forty and one, award, impose or inflict any pain, penalty, fine, amercement, imprisonment or other corporal punishment upon any of the King's subjects, for any contempt, misdemeanor, crime, offence, matter or thing whatsoever, belonging to spiritual or ecclesiastical cognizance or jurisdiction (2) or shall *ex officio*, or at the instance or promotion of any other person whatsoever, urge, enforce, tender, give or minister unto any churchwarden, side-man or other person whatsoever, any corporal oath, whereby he or she shall or may be charged or obliged to make any presentment of any crime or offence, or to confess or to accuse himself or herself of any crime, offence, delinquency or misdemeanor, or any neglect, matter or thing, whereby or by reason whereof he or she shall or may be liable or exposed to any censure, pain, penalty or punishment whatsoever; (3) upon pain and penalty that every person who shall offend contrary to this statute, shall forfeit and pay treble damages to every person thereby grieved, and the sum of one hundred pounds to him or them who shall first demand and sue for the same; which said treble damages and sum of one hundred pounds, shall and may be demanded and recovered by action of debt, bill or plaint, in any court of record, wherein no privilege, esoin, protection or wager of law shall be admitted or allowed to the defendant. (4) And be it further enacted, That every person who shall be once convicted of any act or offence prohibited by this statute, shall for such act or offence be from and after such conviction, utterly disabled to be or continue in any office or employment in any court of justice whatsoever, or to exercise or execute any power, authority or jurisdiction by force of any commission or letters patents of the King, his heirs or successors.

Penalty, treble damages, and one hundred pounds.

Offenders convicted, disabled from any office or employment by the King's letters patents.

No new court to be erected with the like power.

V. And be it further enacted, That from and after the said first day of August, no new court shall be erected, ordained or appointed within this realm of England or dominion of Wales, which shall or may have the like power, jurisdiction or authority, as the said high commission-court now hath or pretendeth to have;

have; but that all and every such letters patents, commissions and grants, made or to be made by his Majesty, his heirs or successors, and all powers and authorities granted, or pretended or mentioned to be granted thereby, and all acts, sentences and decrees to be made by virtue or colour thereof, shall be utterly void and of none effect. *Repealed by 13 Car. 2. stat. 1. c. 12. c. 2. except as to the high commission-court, &c.*

C A P. XII.

A subsidy granted to the King of tonnage and poundage, and other sums of money payable upon merchandizes exported and imported. E X P. Tonnage and poundage.

C A P. XIII.

An act for the securing of such monies as are or shall be due to the inhabitants of the County of York, and the other adjoining counties, wherein his Majesty's army is or hath been billeted, for the billet of the soldiers of the said army, as also to certain officers of the army who do forbear part of their pay, according to an order in that behalf made in the commons house of parliament this present session, for such part of their pay as they shall so forbear. E X P.

C A P. XIV.

An act for the declaring unlawful and void the late proceedings touching ship-money, and for the vacating of all records and processs concerning the same.

WHEREAS divers writs of late time issued under the great seal of England, commonly called Ship-writs, for the charging of the ports, towns, cities, boroughs and counties of this realm respectively, to provide and furnish certain ships for his Majesty's service: (2) And whereas upon the execution of the same writs and returns of certioraries thereupon made, and the sending the same by mittimus into the court of exchequer, process hath been thence made against sundry persons pretended to be charged by way of contribution, for the making up of certain sums assessed for the providing of the said ships, and in especial in Easter term in the thirteenth year of the reign of our sovereign lord the King that now is, a writ of scire facias was awarded out of the court of exchequer, to the then sheriff of Buckinghamshire, against John Hampden, esquire, to appear and shew cause, why he should not be charged with a certain sum so assessed upon him; (3) upon whose appearance and demurrer to the proceedings therein, the barons of the exchequer adjourned the same case into the exchequer-chamber, where it was solemnly argued divers days, and at length it was there agreed by the greater part of all the justices of the courts of King's bench and common pleas, and of the barons of the exchequer, there assembled, That the said John Hampden should be charged with the said sum so as aforesaid assessed on him; (4) the main grounds and reasons of the said justices and barons which so agree, being, that when the good and safety of the kingdom in general is concerned, and the whole kingdom in danger, the King might by writ under the great seal of England, command all the subjects of this his kingdom, at their charge, to provide and furnish such number of ships with men, victuals and munition, and for such time as the King should think fit, for the defence and safeguard of the kingdom from such danger and peril, and that by law the King might compel the doing thereof,

The late proceedings touching ship-money declared unlawful, and all records and processs concerning the same, made void, Ship-writs. Certioraries. Mittimus. Scire facias against John Hampden, esq; Vaughan 139.

a Inst. 528.

Extrajudicial
opinion.

Judgment.

Ship-money,
and proceed-
ings thereup-
on, contrary
to law.3 Car. 1.
Petition of
right to be ob-
served.
Judgments
and proceed-
ings touching
ship-money,
and all entries,
records and
inrolments
thereof,
made void.

of, in case of refusal or refractoriness; (5) and that the King is the sole judge, both of the danger and when and how the same is to be prevented and avoided; (6) according to which grounds and reasons, all the justices of the said courts of King's bench and common pleas, and the said barons of the exchequer, having been formerly consulted with by his Majesty's command, had set their hands to an extrajudicial opinion, expressed to the same purpose; which opinion, with their names thereunto, was also by his Majesty's command inrolled in the courts of chancery, King's bench, common pleas and exchequer, and likewise entered among the remembrances of the court of star-chamber, and according to the said agreement of the said justices and barons, judgment was given by the barons of exchequer, That the said John Hampden should be charged with the said sum so assessed on him; (7) and whereas some other actions and process depend, and have depended, in the said court of exchequer, and in some other courts against other persons, for the like kind of charge, grounded upon the said writs, commonly called ship-writs, all which writs and proceedings as aforesaid, were utterly against the law of the land;

II. Be it therefore declared and enacted by the King's most excellent majesty, and the lords and commons, in this present parliament assembled, and by the authority of the same, That the said charge imposed upon the subject, for the providing and furnishing of ships, commonly called ship-money, and the said extrajudicial opinion of the said justices and barons, and the said writs, and every of them, and the said agreement or opinion of the greater part of the said justices and barons, and the said judgment given against the said *John Hampden*, were and are contrary to and against the laws and statutes of this realm, the right of property, the liberty of the subjects, former resolutions in parliament, and the petition of right made in the third year of the reign of his Majesty that now is.

III. And it is further declared and enacted by the authority aforesaid, That all and every the particulars prayed or desired in the said petition of right, shall from henceforth be put in execution accordingly, and shall be firmly and strictly holden and observed, as in the same petition they are prayed and expressed; (2) and that all and every the records and remembrances of all and every the judgment, inrolments, entry and proceedings as aforesaid, and all and every the proceedings whatsoever, upon or by pretext or colour of any of the said writs, commonly called *ship-writs*, and all and every the dependants on any of them, shall be deemed and adjudged to all intents, constructions and purposes, to be utterly void and disannulled; and that all and every the said judgment, inrolments, entries, proceedings and dependants of what kind soever, shall be vacated and cancelled in such manner and form as records use to be that are vacated.

CAP. XV.

An act against divers incroachments and oppressions in the flannary courts.

Ed. 1. chap-
ter.

WHEREAS King Edward the first, of famous memory, did
for the amendment of the flannaries in the county of Devon,
grants

grant divers franchises and liberties to the tinnars there: (2) And whereas in the parliament in the fiftieth year of King Edward the Explained
50 Ed. 3.
third, upon the petition of the commons of the county of Devon, certain branches and articles of the said charter were explained in manner following, that is to say, Whereas one article of the said charter is in these words following, viz. Sciatis nos ad emendationem stannariorum nostrorum in com. Devon. ad tranquillitatem & utilitatem stannatorum nostrorum prædictorum earundem, concessisse pro nobis & hæredibus nostris, quod omnes stannatores prædicti operantes in stannariis illis quæ sunt dominia nostra, dum operantur in eisdem stannariis, liberi sint & quieti de placitis nativorum, & de omnibus placitis & querelis curiam nostram, & hæredum nostrorum qualitercunque tangen'. Ita quod non respondeant coram aliquibus justiciariis vel ministris nostris seu hæredum nostrorum de aliquo placito seu querela infra prædictas stannarias emergen'. nisi coram custode nostro stannariorum nostrorum prædictarum, qui pro tempore fuerit (exceptis placitis terræ, vitæ & membrorum) nec recedant ab operationibus suis per summonitionem alicujus ministrorum nostrorum, seu hæredum nostrorum, nisi per summonitionem communem dicti custodis nostri; & quod quieti sint de omnibus tallagis, Theolon. stallag. auxiliis & aliis custumis quibuscunque in villis, portubus, feriis, & mercatis infra com. prædict. de bonis suis propriis, &c. (3) Whereupon the said commons prayed a declaration, as followeth, Requête, Sur quoi plesse declarer si auters persons que les esteynors overantz in les esteineries averont & enjoyeront la franchise grante per la dite chartre du Roy desicome la dite chartre voet. Quod omnes stannatores prædicti operantes in stannariis illis, sint liberi, &c. Et autres persons que les overours cestassavoir leurs maistres que les louent & leurs servants & auters clayment mesme la franchise. Et auxint plesse declarer si les dites overours y averont les franchises que in autres temps a quant ils averont in mesme lesteinery desicome la chartre voet; dum operantur in eisdem stannariis sint liberi, &c. (4) Upon which request, answer was made as followeth: Responf. En droit de les dites paroles, operantes in stannariis illis, & dum operantur in eisdem stannariis, soient clerement entenduz de operariis laborantibus duntaxat in stannariis illis sine fraude & dolo, & non de aliis, nec alibi laborantibus. (5) And whereas the said commons prayed a farther declaration, as followeth: Requête, Item soit declarez, si le gardein de lesteinery puisse tenir plee in-ter esteynor & forreyn de querelle sourdante aillours que en les lieux ou ils sont overantz desicome la chartre voet. Quod custos noster prædictus, vel ejus locum-tenens teneat omnia placita inter stannatores prædictos emergent. et etiam inter ipsos & alios forinfecos de omnibus transgressionibus, querelis, & contractibus factis in locis in quibus operantur infra stannarias prædictas similiter emergent. &c. Quare il tient plee des tieux queeles sourdantz in chescune parte deins le dit counte. (6) Upon which, answer was in these words, viz. Resp. Et en droit de ceste article, se ent extende la jurisdiction clerement solonc' les

paroles

§ R. 2.

paroles del dit chartre, cestassavoir; in locis ubi iidem operari operantur, & nemy aillours ne en autre manere. (7) *Which charter so declared, was repeated again; and in the eighth year of the reign of King Richard the Second, commanded to be put in execution:*

II. *And whereas the said King Edward the first made the like charter to the tinnners in the county of Cornwall, which charter was in the foresaid parliament, upon the request of the commons of the county of Cornwall, declared in the same manner and words:*

The like charter to tinnners in Cornwall.
Declaration.

Abuse of liberties.

III. *And whereas the tinnners of the counties of Devon and Cornwall have by virtue of the said charters enjoyed divers and great liberties, and are quit from all tolls, tallages, aids and other customs in the villis, ports, fairs and markets within the said counties respectively: (2) Which great liberties do of right belong to the working tinner, working without fraud or deceit in the flannaries aforesaid, and not to any other nor elsewhere working, and were granted to the said tinnners for their encouragement in their works: (3) And whereas if late years sundry inhabitants within the said counties, and others, is entitle themselves to the said liberties, have by fraud and covin, for small or no considerations, bought and acquired, and do buy and acquire to themselves decayed tin-works, and small and inconsiderable parts in the same and other tin-works, which abuses are done principally to inable the said false and fained tinnners to vex and sue their neighbours in the flannary courts, where for the most part the defendant is unjustly debarred his costs, although the cause be adjudged with him; (4) and the jurisdiction of the said flannaries hath, contrary to ancient right and usage, and the said charters, been endeavoured to be extended out of the places where the tinnners do work, through the whole counties of Devon and Cornwall respectively, which is no way for the benefit of his Majesty, but for the singular lucre of some private persons: (5) And whereas by the said abuses great inconveniencies do follow, (that is to say) the inhabitants of the said counties are miserably vexed, oppressed and imprisoned, his Majesty defrauded of his aids and customs, and the lords and owners of fairs, markets and other franchises, of their tolls and duties, and the government of the country exceedingly confounded and eluded, the said false and feigned tinnners claiming when they list to be tinnners, and when they list to be foreigners; besides, that if timely provision be not made, the certain decay of his Majesty's profit in the tin-works will ensue, for that the same being divided into so many bands and parts, cannot conveniently be set on work, nor contribution raised for the working of the same:*

The former declarations confirmed.

In locis ubi operantur, how expounded.

None but tinnners to be sued, unless by working tinnners.

IV. Be it therefore enacted by his Majesty, and the lords spiritual and temporal, and the commons, in this present parliament assembled, That the said declarations be henceforth held and duly observed; with this, That the words of the said charters and declarations, *in locis ubi operantur*, be expounded of the vill, tithing and hamlet where some tin-work in work is situate, and not elsewhere, and no longer than the same tin-work is or shall be in working: (2) And if any person or persons that shall be sued in the said flannaries, shall swear or tender his or their oath in the said court where he or they shall be sued, that he or they are not, nor is, nor at time of the suit commenced was not, nor were a tinner or tinnners, then such defendant or defendants,

defendants shall be forthwith discharged of such suit, unless that the plaintiff or plaintiffs do forthwith make oath that the said plaintiff or plaintiffs is or are true and working tanners, without fraud or deceit, and that the cause of his or their suit arose within the said stannaries, or concerneth tin or tin-works: (3) And if any person be not *revera*, and without fraud, a working and labouring tinner, in or about some tin-work, set on work within one half-year next before his suit, shall sue, prosecute or implead in any the said courts, or before the warden, vice-warden or steward of the said stannaries, any person or persons, that is or are not a tinner or tanners at the time of such suit commenced, then the defendant and defendants in every such case shall have his and their action at the common law, against such person suing or prosecuting, wherein he shall recover ten pounds and his damages and costs of suit: (4) Provided, That such action be brought within two years next after the action or suit brought in the said stannary courts, or before the said warden, vice-warden or steward.

Persons sued by others shall have their action.

Such action to be brought within two years.

V. And be it declared and enacted, That in all cases where the plaintiff or defendant, plaintiffs or defendants, are to have costs by the laws or statutes of this realm, there also the said plaintiffs and defendants shall have the like costs in the stannary courts: (2) And in regard that the said charters were granted for the ease and advantage of the tanners, and not for their disadvantage or oppression, and yet divers of them who for special reasons have desired to sue at the common law, have been restrained;

Costs in stannary courts.

VI. Be it declared and enacted, That it shall be lawful to and for the said tanners, if they think fit, to sue any foreigners at the common law; the said charter or any usage to the contrary notwithstanding.

Tanners may sue foreigners at the common law.

VII. *And whereas the bailiffs of the said stannary courts are very numerous, and are persons of small or no credit, and yet upon their return that any person is become surety for any other upon arrest by process out of the said courts, such person who sometimes knows nothing of the matter, is by false returns of the said bailiffs, made liable to the debt or demand, which bailiffs, by reason of their poverty, are often not responsible, and so the party without remedy;*

Abuses of poor bailiffs in the stannaries.

VIII. Be it enacted, That no person or persons be charged or troubled as surety by any return of any bailiff or bailiffs of the said stannaries, unless that the person or persons returned surety or sureties shall in the presence of two witnesses subscribe or sign a note in writing, that such person or persons is or are become surety or sureties; (2) which note shall mention the names of the plaintiffs and defendants in the suit, and the sum or damages in demand, and the nature of the action, and shall be signed or subscribed by the said witnesses, and returned and filed in the court out of which such process shall issue, and no bailiff or bailiffs of the said stannaries shall be admitted as witnesses to any such note.

How sureties may be sued.

IX. *And whereas in the said stannaries it is used, that if the bailiff return any person arrested, that if such person make default at the*

the

the day, he shall be condemned, and execution is suddenly awarded, when as often the party was not arrested:

No defendant shall be condemned on a bailiff's return, unless on a note subscribed by the party.

X. Be it further enacted, That no defendant shall be condemned upon such return for not appearing, unless also a note under the hand or sign of the party arrested, and subscribed by two such witnesses as aforesaid, be returned into the said court at or before the day of appearance; and the said bailiff or bailiffs shall take but four-pence for every such note as aforesaid; and it is provided, that none shall be bailed upon arrest there, till he give such note.

Rescous.

XI. And in case any the said bailiff or bailiffs shall return a rescous against any person or persons, he or they shall be admitted to traverse the said return; which traverse if it be found with him or them so traversing, then he or they shall be no further troubled or occasioned by reason of such return.

C A P. XVI.

An act for the certainty of forests, and of the meets, meers, limits and bounds of the forests.

1 Ed. 3. stat. 2.
c. 1.

WHEREAS by act of parliament made in the first year of the reign of the late King Edward the Third, it was ordained, That the old perambulation of the forest in the time of King Edward the first, should be thenceforth holden in like form as it was then ridden and bounded, and in such places where it was not bounded, the King would that it should be bounded by good men and lawful:

II. And whereas for many ages past certain meets, meers, limits and bounds of the forests, have been commonly known and observed in the several counties wherein the said forests lie:

III. And whereas of late divers presentments have been made, and some judgments given, whereby the meets, meers, limits and bounds of some of the said forests have been variously extended, or pretended to extend, beyond some of the said meets, meers, limits and bounds so commonly known, and formerly observed, to the great grievance and vexation of many persons having lands adjoining to the said meets, meers, limits and bounds so commonly known, and formerly observed: And whereas of late time some endeavours or pretences have been to set on foot forests in some parts of this realm, and the dominion of Wales, where in truth none have been or ought to be, or at least have not been used of long time: For remedy whereof, may it please your most excellent Majesty, That it be declared and enacted by authority of parliament;

What shall be the meets and bounds of forests.

IV. And be it declared and enacted by the King's most excellent majesty, and the lords and commons, in this present parliament assembled, and by the authority of the same, That from henceforth the meets, meers, limits and bounds of all and every the forests respectively, shall be to all intents and purposes taken, adjudged and deemed to extend no further respectively than the meets, meers, limits and bounds which in the several counties respectively wherein the said forests do lie, were commonly known, reputed, used or taken to be the meets, meers, limits and bounds of the said forests respectively, in the twentieth year of the reign of our late sovereign lord King

James,

Femes, and not beyond in any wise; any perambulation or perambulations, presentments, extents, surveys, judgments, records, decrees, or other matter or thing whatsoever to the contrary notwithstanding: (2) and that all and every the presentments since the said twentieth year made, and all and every other presentment and presentments, and all and every judgment and award upon, or by reason or pretext of, any such presentment or presentments, and all and every perambulation and perambulations, surveys, extents, and other act and acts, at any time heretofore had or made, by which the meets, meers, limits or bounds of the said forests, or any of them, are or are pretended to be further extended than as aforesaid; (3) and also all and every presentment of any person or persons at any justice-seat, swainmote, or court of attachments, for or by reason or by colour of any act or acts whatsoever done or committed in any place without or beyond the said meets, meers, limits or bounds respectively, so commonly known, reputed, used or taken as aforesaid, and all and every fine and fines, and amerciamment and amerciament, upon, by reason or colour of any such presentment or presentments, shall from henceforth be adjudged, deemed and taken to be utterly void, and of no force or effect; any law, statute, record or pretence whatsoever, to the contrary notwithstanding.

Presentments
contrary here-
unto shall be
void.

V. And be it further enacted by the authority aforesaid, That no place or places within this realm of *England*, or dominion of *Wales*, where no such justice-seat, swainmote, or court of attachment have been held or kept, or where no verderers have been chosen, or regard made, within the space of sixty years next before the first year of his Majesty's reign that now is, shall be at any time hereafter judged, deemed or taken to be forest, or within the bounds or meets of the forests; (2) but the same shall be from thenceforth for ever hereafter disafforested and freed, and exempted from the forest laws; any justice-seat, swainmote, or court of attachment held or kept within or for any such place or places, at any time or times since the beginning of his Majesty's said reign, or any presentment, enquiry, act or thing heretofore made or hereafter to be made or done to the contrary notwithstanding.

No place where
no justice-seat,
swainmote,
court of at-
tachments,
&c. hath been
within sixty
years shall be
accounted
forest.

VI. Provided also, and be it further enacted by the authority aforesaid, That for the better putting into certainty all and every the meets, meers, bounds and limits of all and every the forest, as aforesaid, the lord chancellor, or lord keeper of the great seal of *England* for the time being, shall by virtue of this act, upon request of any of the peers of this kingdom, or of the knights and burgesses of the parliament, or any of them, grant several commissions under the great seal of *England*, to commissioners to be nominated respectively by the said peers, knights and burgesses, or any of them, (2) to enquire of and find out by inquests of good and lawful men upon oath, and by the oaths of witnesses to be produced at the said inquests, and by all other lawful means, all and every the meers, meets, bounds and limits of the forests respectively, which were com-

For ascertain-
ing of meets,
&c. commis-
sions shall be
issued.

monly

menly known to be their meers, meets, bounds and limits respectively, in the said twentieth year of the reign of our late sovereign lord King *James*, and to return the inquests so taken into the court of chancery; (3) and that all and every the sheriffs and bailiffs, of and in every county wherein any such inquests shall be so to be taken, and all and every the verderers, foresters, rangers, and other officers of the forests respectively where any such officers be, shall be assistant and attendant to the executions of the said commissions according as by virtue of the said commissions respectively they shall be commanded; (4) and where no such officers are, or where such officers be, if they or any of them shall refuse or neglect such assistance and attendance as aforesaid, then the said commissioners shall and may proceed without them in the execution of the said commissions.

Forests shall not extend beyond the meets, &c. so returned.

VII. And be it further enacted by the authority aforesaid, That the forests whereof the meets, meers, limits and bounds shall be so returned and certified by virtue of any the said commissions as aforesaid, from thenceforth shall not extend nor be extended, nor be deemed, adjudged or taken to extend any further in any wise than the meets, meers, limits and bounds that shall be so returned and certified: (2) and that all the places and territories that shall be without the meets, meers, limits and bounds so returned and certified, shall be and are hereby declared to be from thenceforth free to all intents and purposes, as if the same had never been forest, or so reputed; any act or acts, matter or thing whatsoever to the contrary thereof notwithstanding.

Grounds disafforested shall be excluded.

VIII. Provided, and be it further enacted by the authority aforesaid, That all and every the grounds, territories or places, which have been or are disafforested, or mentioned to be disafforested in or by any letters patents, charters or otherwise, since the said twentieth year of the reign of our said late sovereign lord King *James*, shall be excluded and left out of the meets, meers, limits and bounds of the forests, which are to be enquired of, returned and certified by virtue of the said commissions, or any of them respectively, and shall be and hereby are declared and enacted to be utterly disafforested, free and exempt to all intents and purposes, as if the same had never been at all forest, or so reputed; any thing in this present act, contained, or any other act, matter or thing whatsoever to the contrary in any wise notwithstanding.

Tenants, owners, &c. of lands excluded, shall enjoy their ancient common, &c.

IX. Provided nevertheless, and be it enacted, That the tenants, owners and occupiers, and every of them, of lands and tenements, which shall be excluded and left out of the meets, meers, limits or bounds of the forests to be returned and certified by virtue of any of the said commissions, shall or may use and enjoy such common, and other profits and easements, within the forest, as anciently or accustomedly they have used and enjoyed; any thing in this present act contained, or any act or ordinance made in the three and thirtieth year of King *Edward* the First, or any custom or law of the forest, or any other matter or thing to the contrary thereof notwithstanding.

33 Ed. 1. stat. 5.

CAP. XVII.

An act for the pacification between England and Scotland. EXP. Rymer's *Fœdera*, Vol. 20, p. 488.

CAP. XVIII.

An act for securing by publick faith the remainder of the friendly assistance and relief promised to our brethren of Scotland. EXP.

CAP. XIX.

An act for the better ordering and regulating of the office of clerk of the market, allowed and confirmed by this statute; and for the reformation of false weights and measures.

FOrasmuch as the undue execution of the office of clerk of the market hath been very grievous unto divers of his Majesty's most loving subjects, who have been much troubled by unnecessary summons, and charged with exactions of divers sums of money, by colour of the said office, and in regard the said evils have partly arisen by means of an inequality of weights and measures throughout this kingdom, (2) and by granting and letting to farm the said office of clerk of the market and the execution thereof, in and through all or the most of the several counties of this kingdom, for great sums of money, which the said farmers or grantees, by their unjust and undue proceedings in the said office, do extort from his Majesty's subjects again, to their great impoverishment, and yet little or no redress at all in their said weights and measures, or any benefit thereby accruing to his Majesty: (3) for remedy whereof, and for regulating of all weights and measures according to the true intent of this statute, and the other statutes in that behalf formerly made and provided, and preventing the said inconveniencies:

II. Be it therefore enacted by the King's most excellent majesty, the lords and commons of this present parliament assembled, and by the authority of the same, That from henceforth there shall be but one weight, one measure, and one yard, according to the standard of the exchequer, throughout all the realm, as well in places privileged as without; any usage or custom to the contrary notwithstanding: (2) and that every measure of corn shall be strike without heap: (3) and whosoever shall sell by or keep any other weight, measure or yard, than as aforesaid, whereby any corn, grain or other thing is bought or sold, after six months after the end of this present session of parliament, shall forfeit for every such offence five shillings; (4) being thereof lawfully convicted by the oath of one sufficient witness, before any justice of peace, mayor, or other head officer of the county, city or town corporate respectively where the said offence shall be committed, who by virtue of this act shall have power to administer an oath in that behalf: (5) which said sum or penalty of five shillings shall be levied by the church-wardens and overseers of the poor of the parish, or some or one of them, where such offence is or shall be committed, to the use of the poor of the same parish, of the goods and chattels of such offenders, by way of distress and sale of the offenders goods, rendering the overplus to the party so offending:

Grievances by clerks of the market, and inequality in weights and measures.

There shall be but one measure, one weight, and one yard.
9 H. 3. stat. 1.
c. 25.
14 Ed. 3. stat. 1.
c. 12.
27 Ed. 3. stat. 2.
c. 10.

Forfeiture.

How to be levied.

(6) and in default of such distress, it shall be lawful for any justices of peace, mayor, or other head officer of the county, city or town corporate respectively, to commit the said party to the prison or gaol, there to remain without bail or mainprize until he shall pay such sums of money forfeited as aforesaid.

Clerk of the market, his limits.

III. And be it further enacted by the authority aforesaid, That no clerk of the market of the King's house, which now is or hereafter shall be, or of the prince his highness, his heirs or successors, which is or shall be duke of *Cornwall*, or his or their deputy or deputies, shall hereafter execute his or their said office or offices respectively in any part of the kingdom, but only within the verge of the King's court where it shall then reside for the time being : (2) and that it shall be always hereafter lawful for any mayor or other head-officer of any city, borough or town corporate, or for any lord or lords of liberty, liberties or franchises, his or their deputy or deputies or agents, according to their several liberties and jurisdictions, to have full power to execute the said offices respectively, as they ought or might have done before the making of this act. (3) And for the more ease of his Majesty's subjects ;

Mayor, head officer and lords of liberties have power as clerks of the market.

Forfeiture of clerks of the market for offences.

IV. Be it further enacted, That if any clerk of the market within his aforesaid precincts and limits of the verge of the King's house only, or any mayor, or other officer whatsoever, who by virtue of this act shall have power to enquire of any abuses in weights and measures, shall seal or give allowance unto any other weight or measure, weights or measures, other than according to the said standard of the exchequer, or shall upon reasonable request and warning refuse to seal or give allowance unto such weight or measure, weights or measures, as are according to the said standard of the exchequer, paying only such fee or fees for such allowance, as by the statute or statutes, or by antient custom, are in that behalf formerly provided and allowed, and no more, that then the said clerk of the market, mayor, and other officer or officers of such city, borough or town, and the said lord and lords of liberty or liberties, and his and their deputy or deputies and agents respectively, shall forfeit for every such offence five pounds, to be levied as aforesaid to the use of the poor of the parish where such offence is or shall be committed.

Forfeiture for taking unlawful fines or fees.

V. And be it further enacted by the authority aforesaid, That if the clerk of the market, his deputy or deputies, or agents within the verge aforesaid, or any mayor, or any other officer or officers of any city or town, or any lord or lords of liberties, his or their deputy or deputies, agents or assigns respectively, shall take or receive of any of his Majesty's subjects, by colour of the said office, any common fine or fines, or any fees, other than are formerly allowed by the statute or statutes, or ancient custom in that behalf made or used ; (2) shall take any fee or fees, or other sum of money, reward or consideration, for the making, signing or examination of any weights or measures which have been formerly marked or sealed, (3) or shall impose or assess, or cause to be imposed or assessed ;

any

any fine or amerciamment, fines or amerciament, without a due and legal trial of the offences for which the said fine or fines, amerciament or amerciament, are imposed or assessed; (4) or shall otherwise misdemean himself in the execution of his said office, and be thereof lawfully convicted; (5) he shall forfeit for the first offence whereof he shall be so lawfully convicted, five pounds; (6) and for the second offence, ten pounds; (7) and for the third offence, and every other offence afterwards, twenty pounds; to be levied as aforesaid to the use of the poor of the parish where such offence shall be committed.

VI. And be it enacted, That whosoever shall be fined or amerced by virtue of this act, shall not be again fined or amerced for the same offence, by virtue of any former law or statute.

VII. Provided always, That this act or statute shall not extend to the rents of farms or lands, or any corn or grain due or payable to any lord or lords, or any colleges, houses or other societies, by virtue of any lease or leases, or other covenant or agreement, but that the same, during the continuation of such lease, leases or other agreements, shall be paid, delivered and performed, in such measure and form as the same hath been paid, delivered and performed before the making of this act: (2) and that such measure, that is commonly called water-measure, in any ports, maritime towns or other places, shall be still used and continued as formerly the same hath been; any thing in this statute contained to the contrary hereof in any wise notwithstanding.

VIII. Provided also, That no justice or justices of the peace, mayor, bailiff or other head-officer, churchwardens, overseers, or any other authorized by this statute for the due execution thereof in any point, shall be sued, impleaded or otherwise impeached for doing or executing their said offices respectively: (2) and if any suit or suits hereafter shall be commenced against them or any of them, their agents or assistants, touching the premises; That then it shall and may be lawful for them and every of them so sued or troubled in any court or courts whatsoever to plead the general issue, *not guilty*, and to give this statute in evidence, or any other special matter in evidence.

IX. And in case by or upon this law they or any of them shall be found not guilty, or the plaintiff be nonsuited, the defendant or defendants shall recover treble costs against the plaintiff for his unjust vexation.

CAP. XX.

An act for the prevention of vexatious proceedings touching the order of knight-hood.

WHEREAS upon the pretext of an ancient custom or usage of this realm of England, That men of full age, being not knights, and being seised of lands or rents of the yearly value of forty pounds or more (especially if their seisin had so continued by the space of three years next past) might be compelled by the King's writ, to receive or take upon them the order or dignity of knight-hood, or else

13 R. 2 stat. 1.
C. 4.
Persons fined by this act, not to be fined upon any former law.
Rents of corn excepted.

Water-measures to be continued.
Repealed as to corn and salt by 23 Car. 2. c. 8. s. 2.
The general issue may be pleaded.

Treble costs for unjust vexation.

Writs issued
for persons to
take the order
of knighthood.

Distringas.

Fines.

No person
shall be com-
pelled to take
on him the
order of
knighthood,
nor undergo
any fine for
that cause.

to make fine for the discharge or respite of the same; several writs about the beginning of his Majesty's reign issued out of the court of chancery, for proclamations to be made in every county to that purpose and for certifying the names of all such persons, and for summoning them personally to appear in the King's presence before a certain day to be there ready to receive the said order or dignity: (2) upon return of which writs, and transmitting the same with their returns into the court of exchequer, and upon other writs for further inquiry of the names of such persons, issuing out of the said court of exchequer, process by distringas was thence made against a very great number of persons, many of which were altogether unfit, in regard either of estate or quality, to receive the said order or dignity, and very many were put to grievous fines and other vexations for the same, although in truth it were not sufficiently known how or in what sort or when they or any of them should or might have addressed themselves for the receiving the said order or dignity, and for saving themselves thereby from the said fines process and vexations: (3) and whereas it is most apparent, that all and every such proceeding in regard of the matter therein pretended, is altogether useless and unreasonable; May it therefore please your most excellent Majesty, that it be by authority of parliament declared and enacted:

II. And be it declared and enacted by the King's most excellent majesty, and the lords and commons in this parliament assembled, and by the authority of the same, That from henceforth no person or persons, of what condition, quality, estate or degree soever, shall at any time be distrained, or otherways compelled by any writ or process of the court of chancery or court of exchequer, or otherwise by any means whatsoever, to receive or take upon him or them respectively, the order or dignity of knighthood; (2) nor shall suffer or undergo any fine, trouble or molestation whatsoever, by reason or colour of his or their having not received or not taken upon him or them the said order or dignity: (3) and that all and every writ or process whatsoever, and all and every proceeding which shall hereafter be had or made contrary to the intent of this act, shall be deemed and adjudged to be utterly void: and that all and every process, proceeding and charge now depending by reason or colour of the said pretended custom or writs aforesaid, or of any the dependants thereof, shall from henceforth cease and stand, be and remain discharged and utterly void; any former law or custom, or any pretence of any former law or custom, or any other matter whatsoever to the contrary in any wise notwithstanding. 1 E. 2. §. 1.

CAP XXI.

An act for the free bringing in of gun-powder and salt-petre from foreign parts, and for the free making of gun-powder in this realm.

Mischiefs by
prohibiting
the importa-

WHEREAS the importation of gun-powder from foreign parts hath of late times been against law prohibited, and the making thereof within this realm ingrossed, whereby the price of gun-powder

powder hath been excessively raised, many powder-works decayed, this tion of gun- kingdom very much weakened and endangered, the merchants thereof Powder. much damnified, many mariners and others taken prisoners, and brought into miserable captivity and slavery, many ships taken by Turkish and other pirates, and many other inconveniences have from thence ensued, and more are likely to ensue, if they be not timely prevented :

II. Be it therefore declared and enacted by the King's most Liberty to all excellent majesty, and the lords and commons, in this present par- to import liament assembled, and by the authority of the same, That it shall gun-powder. and may be lawful to and for all and singular persons, as well strangers as natural-born subjects of this realm, to import and bring into this kingdom any quantities of gunpowder whatsoever, paying such customs and duties for the same as by authority of parliament shall be limited and set down.

III. And be it further declared and enacted by the authority All subjects afore said, That it shall and may be lawful to and for all and singular his Majesty's subjects of this his realm of *England*, to make and sell any quantities of gun-powder at his and their will and pleasure ; (2) and also to bring into this kingdom any quantities of salt-petre, brimstone or any other materials necessary or requisite for the making of gun-powder. may make and sell gun-powder, and import salt-petre.

IV. And lastly, be it enacted by the authority afore said, That Penalty for if any person or persons from and after the tenth day of *August*, putting in which shall be in the year of our Lord God one thousand six execution hundred forty and one, shall put in execution any letters letters patents, proclamation, edict, act, order, warrant, restraint or patents, proclamations, &c. other inhibition whatsoever, whereby the importation of gun- against this powder, salt-petre, brimstone or other the materials afore liberty. mentioned or any of them from foreign parts, or the making of gun-powder within this realm, shall be any way prohibited or restrained ; That then the said person and persons so offending shall incur and sustain the pains, penalties and forfeitures contained and provided in the statute of provision and 16 R. 2. c. 5. *præmunire* made in the sixteenth year of the reign of King *Richard* the Second.

CAP. XXII.

A subsidy granted to the King of tonnage and poundage, and other sums of money, payable upon merchandize exported and imported. E X P.

CAP. XXIII.

An act for the raising of mariners and sailors, for the guarding of the seas, and his Majesty's dominions. E X P.

CAP. XXIV.

An act to relieve captives taken by the Turks, and to prevent the taking of others hereafter. E X P.

CAP. XXV.

A subsidy granted to the King of tonnage, poundage, &c. from the last of November one thousand six hundred forty-one, to the first of February next, and the like until the second of July one thousand six hundred forty-two. E X P.

CAP. XXVI.

An act for the raising of mariners and sailors, for the guarding the seas, and his Majesty's kingdoms. EXP.

CAP. XXVII.

An act for the disenabling all persons in holy orders to exercise any temporal jurisdiction or authority. REP. 13 Car. 2. stat. 1. c. 2.

CAP. XXVIII.

An act for the raising of soldiers for the defence of England and Ireland. EXP.

CAP. XXIX.

A subsidy granted to the King of tonnage and poundage, and other sum of money payable upon merchandize exported and imported. EXP.

CAP. XXX.

An act for a contribution and loan for the distressed people of Ireland. EXP.

CAP. XXXI.

A subsidy granted to the King of tonnage and poundage, and other sum of money payable upon merchandize exported and imported. EXP.

CAP. XXXII.

For the raising and levying of monies for the necessary defence and great affairs of the kingdom of England and Ireland, and for the payment of debts undertaken by the parliament. EXP.

CAP. XXXIII.

An act for the reducing the rebels in Ireland to their obedience to his Majesty and the crown of England. EXP. *See an act for the settlement of Ireland, passed in that kingdom Anno 14 Car. 2. one thousand six hundred and sixty-two, by which this and the following acts concerning Ireland are, besides their expiration, of no force.*

CAP. XXXIV.

An act for the explanation of a former act for the reducing the rebels in Ireland. EXP.

CAP. XXXV.

An act to enable corporations to adventure in Ireland.

CAP. XXXVI.

A subsidy granted to the King of tonnage, poundage, and other sums of money payable upon merchandize exported and imported. EXP.

CAP. XXXVII.

An act for the further reducing of the rebels in Ireland to their obedience to the King and crown of England. EXP.

*Anno Regni CAROLI II. Regis Angliæ,
Scotiæ, Franciæ, & Hiberniæ, duo-
decimo.*

At the parliament begun and holden at *Westminster* the five and twentieth day of *April*, Anno Dom. one thousand six hundred and sixty, in the twelfth year of the reign of our most gracious sovereign lord *Charles* the Second, by the grace of God, of *England, Scotland, France* and *Ireland*, King, defender of the faith, &c. And there continued until the nine and twentieth day of *December* then next following, and then dissolved by his Majesty: To the high pleasure of Almighty God, and to the weal publick of this realm, were enacted as followeth.

CAP. I.

An act for removing and preventing all questions and disputes concerning the assembling and sitting of this present parliament.

FOR the preventing all doubts and scruples concerning the assembling, sitting and proceeding of this present parliament, (2) be it declared and enacted, and it is declared and enacted by the King our sovereign lord, and by the lords and commons in parliament assembled, and by authority of the same, That the parliament begun and holden at *Westminster* the third day of *November* in the sixteenth year of the reign of the late King *Charles* of blessed memory, is fully dissolved and determined: (3) and that the lords and commons now sitting at *Westminster*, in this present parliament, are the two houses of parliament, and so shall be, and are hereby declared, enacted and adjudged to be, to all intents, constructions and purposes whatsoever, notwithstanding any want of the King's majesty's writ or writs of summons, or any defect or alteration of or in any writ or writs of summons, or any other defect or default whatsoever; as if this parliament had been summoned by writ or writs in his Majesty's name, according to the usual form, and as if his Majesty had been present in person at the assembling and commencement of this present parliament. (4) Provided always, That this present parliament may be dissolved by his Majesty after the usual manner, as if the same had been summoned by writ or writs in his Majesty's name. (5) Provided also, and it is hereby enacted, That his Majesty's royal

16 Car. 1. c. 7.
The parliament begun
3 Nov. 16 Car. 1.
declared to be dissolved.
The lords and commons now sitting declared to be the two houses of parliament.

The King's assent to this act shall not determine this session.

assent to this bill shall not determine this present session of parliament.

CAP. II.

An act for putting in execution an ordinance mentioned in the said act.
EXP. 13 Car. 2. stat. 1. c. 7.

CAP. III.

An act for the continuance of process, and judicial proceedings continued.

Writs, &c.
shall not be
discontinued
for not hold-
ing certain
days of re-
turn.

WHEREAS the four first returns of Easter term in the year one thousand six hundred sixty, of late called from Easter-day in fifteen days; from Easter-day in three weeks, from Easter-day in one month, and from Easter-day in five weeks, or any of them, cannot be conveniently kept or holden: (2) now for avoiding all manner of discontinuances whatsoever, which by occasion thereof should or might happen or be in any matter or cause whatsoever, in any the courts at *Westminster*: (3) be it enacted by the King's most excellent majesty, and the lords and commons assembled in parliament, That no pleas, writs, bills, actions, suits, plaints, process, precepts, or other thing or things whatsoever, pleaded, returned or depending, or having day or days, in any of the said courts, in or at the said several returns, or any of them, or at any other day or days certain after any of the said returns, shall be in any wise discontinued, or put without day, for or by reason of the not keeping or holding of the said returns or days, or any of them; (4) but that all and singular the said pleas, writs, bills, actions, suits, plaints, process, precepts, and other the premises aforesaid, shall stand, continue, and be good and effectual in law, to all intents and purposes, as if the said returns and days, and every of them, had been actually kept and holden in all and every the said courts; any law, statute, custom or usage to the contrary thereof in any wise notwithstanding.

The said
writs, process,
pleas, &c. re-
turnable and
pleadable at a
certain day.

II. And be it further enacted by the authority aforesaid, That all pleas, writs, bills, actions, suits, plaints, process, precepts, and other thing or things whatsoever aforesaid, pleadable, or to be pleaded, returnable or to be returned, or having day in any manner whatsoever at any of the said returns, or any day or days certain after any of the said returns, be and are hereby continued and adjourned unto, (and shall and may be pleaded, returned, heard and determined in the respective courts aforesaid) at or on the fifth return of the said term, of late called *In the morrow of the ascension of our Lord*; (2) and that all parties in any pleas, writs, bills, actions, suits, plaints, process, or other thing or things whatsoever, having days given them at any of the said four first returns, or at any other day or days certain after any of the said returns, in the said courts, or any of them by virtue of this present act, have the said return of late called *In the morrow of the ascension of our Lord*, prefixed them therein; (3) and that all sheriffs, officers, and other ministers whatsoever, and every of them respectively, keep in their hands all writs, bills, process and precepts, and all other things whatsoever to them directed respectively, returnable or to be returned

turned in the several courts aforesaid, at the said four first returns, or any of them, in or at any day certain, as aforesaid, until the said fifth return of late called *The morrow of the ascension of our Lord*, and then return the same into the said several courts respectively, that such proceedings may be then had thereupon as should have been had in case the said four first returns had been kept and holden.

III. And be it further enacted by the authority aforesaid, That no writs, process, complaints, pleas, informations, indictments or judicial proceedings, had, commenced or prosecuted before the fifth day of *May* in the said year of our Lord one thousand six hundred sixty, in the name, stile, title or test of *Custodes libertatis Angliæ autoritate parliamenti*; or in the name, stile, title or test of *the keepers of the liberty of England, by authority of parliament*; (2) or in the name, stile, title or test of *Oliver lord protector of the commonwealth of England, Scotland and Ireland, and the dominions thereto belonging*; or in the name, stile, title or test of *Oliver lord protector of the commonwealth of England, Scotland and Ireland, and the dominions and territories thereunto belonging*; or in the name, stile, title or test of *Richard lord protector of the commonwealth of England, Scotland and Ireland, and the dominions and territories thereunto belonging*; (3) shall be put without day, abated, quashed or discontinued, by his Majesty's most just reassumption of the actual exercise of his kingly government in this kingdom; (4) nor shall the same be cause of error abatement or discontinuance; (5) but that all such writs, process, complaints, pleas, informations, indictments and judicial proceedings, and all commissions for taking of answers or examination of witnesses, commission for taking of fines and warrants of attorney, guardians or *prochein amy*, shall stand and be continued, and shall and may be proceeded upon, prosecuted and returned notwithstanding the same were commenced, or prosecuted in *English*, and notwithstanding the present happy change and restitution of his Majesty's name and stile in judicial proceedings.

IV. And be it further enacted by the authority aforesaid, That one pretended act made in the year of our Lord one thousand six hundred fifty, intituled, *An act for turning the books of the law, and all process and proceedings in courts of justice, into English*, shall stand and be in force as if the same had been a good and effectual act, from the first return of *Easter* term in the year of our Lord one thousand six hundred fifty-one, until the first day of *August* in the year of our Lord one thousand six hundred sixty, and no longer: (2) And whereas by one other pretended act made in the said year of our Lord one thousand six hundred fifty, intituled, *An act touching corn and meal*, it was enacted, or mentioned to be enacted, That from and after the twentieth day of *November* one thousand six hundred fifty, it should and might be lawful to and for any person or persons, defendant or tenant, for or by reason of any matter to be pleaded, set forth or alledged in bar to any action real, personal or mixt, in any court of record, to plead the general issue of not guilty, or the like general issue pro-

Process, writs, pleas, &c. under certain titles and names, may be prosecuted and proceeded upon.

Process and proceedings in English in courts of justice to continue. EXP.

per to the nature of the action or suit commenced, and for his or their discharge or acquitting to give any such matter in evidence to the jury that shall try the same; (3) and that the said matter shall be as available to such person or persons, defendant or tenant, to all intents and purposes, as if the said matter had been specially pleaded, set forth or alledged in bar of such action:

Pleading the
general issue.
EXP.

V. Be it further enacted, That the said pretended act, as touching the pleading of the general issue, shall by authority hereof stand and be in full force and effect according to the tenor thereof, until the said first day of *August*, as if the same had been a good and effectual act of parliament, and no longer.

VI. Provided always, That where the general issue hath been since the said twentieth day of *November* one thousand six hundred fifty pleaded, or shall before the said first day of *August* in the said year of our Lord one thousand six hundred sixty be pleaded, in any action, that then upon the trial of the said cause, such evidence shall and may be allowed, as if the said pretended act touching the pleading of the general issue had been and continued a good and effectual act of parliament not determined or discontinued.

His Majesty's
assent to this
bill doth not
determine the
session.

VII. Provided also, That his Majesty's royal assent to the passing of this bill shall not extend or be construed to extend to the determining of the session of this present parliament.

All writs, pa-
tents, commis-
sions, &c. to
issue in the
King's name
as formerly.

VIII. Provided nevertheless, and be it enacted, That all writs, patents and commissions for constituting justices of either bench, and barons of the exchequer, commissions of *oyer and terminer* and gaol-delivery, and precepts upon commissions of *oyer and terminer* and gaol-delivery, and all other commissions hereafter to be made by the clerk of the crown in the chancery, charters and letters patents under the great seal, of lands, liberties, honours or offices, do or may issue in the King's majesty's name, in the same manner as was usual before the making of the said first recited pretended act; any thing in this present act to the contrary thereof before expressed in any wise notwithstanding.

CAP. IV.

A subsidy granted to the King of tonnage and poundage, and other sums of money, payable upon merchandize exported and imported.

The causes
and trusts up-
on granting
the subsidies
of tonnage
and poundage.

Defending the
seas.

THE commons assembled in parliament, reposing trust and confidence in your Majesty, in and for the guarding and defending of the seas against all persons intending or that shall intend the disturbance of your said commons in the intercourse of trade, and the invading of this your realm: For the better defraying the necessary expences thereof, which cannot otherwise be effected without great charge to his Majesty, (2) do, by and with the advice and consent of the lords in this your present parliament assembled, and by the authority of the same, to

to the intent aforesaid, give and grant unto you our supreme liege lord and sovereign, one subsidy called tonnage, that is to say, of every ton of wine of the growth of *France*, or of any the dominions of the *French King*, or crown of *France*, that shall come into the port of *London* and the members thereof, by way of merchandize by your natural-born subjects, (3) the sum of four pounds and ten shillings of current *English* money, and so after that rate, and by strangers and aliens, six pounds of like money; (4) and of every ton of the like wine which shall be brought into all and every the other ports and places of this kingdom and the dominions thereof by way of merchandize by your natural-born subjects, the sum of three pounds, (5) and by aliens four pounds and ten shillings; (6) and of every butt or pipe of Muscadels, Malmseys, Cuts, Tents, Alicants, Bastards, Sacks, Canaries, Malligoes, Maderaes and other wines whatsoever, commonly called sweet wines, of the growth of the *Levant*, *Spain*, *Portugal* or any of them, or of any the islands or dominions to them or any of them belonging, or elsewhere, that shall come or be brought into the port of *London* by your natural-born subjects, the sum of forty-five shillings of current *English* money, and so after that rate, and by strangers and aliens, three pounds of like money; (7) and of every butt and pipe of the like wine which shall come or be brought into all, every or any the other ports and places of this kingdom and dominions thereof, by way of merchandize, by your natural-born subjects, the sum of thirty shillings, and by strangers, forty-five shillings; (8) and of every awm of *Rhenish* wine or wine of the growth of *Germany*, that shall be brought into this your realm and the dominions thereof, by your natural-born subjects, the sum of twenty shillings of current *English* money, and by strangers and aliens, twenty and five shillings; (9) which several rates are the same which are expressed in a certain book of rates herein after mentioned and referred unto: (10) And also one other subsidy called poundage, that is to say, of all manner of goods and merchandize of every merchant, natural-born subject, denizen and alien, to be carried out of this realm or any your Majesty's dominions to the same belonging, or to be brought into the same by way of merchandize, of the value of every twenty shillings of the same goods and merchandizes, according to the several and particular rates and values of the same goods and merchandizes, as the same are particularly and respectively rated and valued in the said book of rates herein after mentioned and referred unto, twelve-pence, and so after that rate: (11) And of every twenty shillings value of any the native commodities of this realm or manufactures wrought of any such native commodities, to be carried out of this realm, by every or any merchant-alien, according to the value thereof in the said book expressed, twelve-pence over and above the twelve-pence aforesaid; (12) except and foreprized out of this grant of subsidy of poundage, all manner of woollen cloths, made or wrought or to be made or wrought within this realm

A subsidy of tonnage granted to the King.

25 Car. 2. c. 6. Vaugh. 160.

A subsidy of poundage.

The duties on tonnage, &c.

are continued, enlarged, and explained by

25 Car. 2. c. 6.

4 & 5 W. & M.

6 W. & M. c. 1.

7 & 8 W. 3.

c. 39.

8 & 9 W. 3.

c. 24 & 25.

9 & 10 W. 3.

c. 23 & c. 32.

11 & 12 W. 3.

c. 3. & c. 20.

1 Ann. stat. 1.

c. 7. & c. 13.

2 & 3 Ann. c. 9.

3 & 4 Ann. c. 5.

4 Ann. c. 6.

5 Ann. c. 19. realm of *England*, commonly called old draperies; (13) and all
& c. 27. wines before limited to pay subsidy of tonnage; (14) and all
6 Ann. c. 19. manner of fish, *English* taken and brought by *English* bottoms
& c. 22. into this realm, and all manner of fresh fish and bestial that
7 Ann. c. 7. shall come into this your realm; (15) and all other goods and
f. 22. merchandizes, which in the said book of rates are mentioned
8 Ann. c. 7. to be custom-free.
9 Ann. c. 6.
1 Geo. 1. stat.
1. c. 1. & stat. 2. c. 12. 3 Geo. 1. c. 7. 6 Geo. 1. c. 4. & c. 12. 8 Geo. 1. c. 15. 9 Geo.
1. c. 21. 10 Geo. 1. c. 10. 11 Geo. 1. c. 7. 12 Geo. 1. c. 4. & c. 26. 1 Geo. 2.
stat. 1. c. 1. & stat. 2. c. 17. 2 Geo. 2. c. 18. & c. 28. 4 Geo. 2. c. 27.

On woolen
cloth, 3s. 4d.
For aliens du-
ties, see 25 Car.
2. c. 6.

Strangers,
6 s. 8 d.

The said sub-
sidies granted
to the King
during his
life.

The penalty
for not paying
the subsidy.

II. And further, We your said commons, by the advice, assent, and authority aforesaid, do give and grant unto you, our said liege lord and sovereign, for the causes aforesaid, one other subsidy, that is to say, of and for every short woolen cloth to be exported by your natural-born subjects of this your realm and the dominions thereof, called broad cloth, not exceeding twenty-eight yards in length, and threescore and four pounds in weight, the sum of three shillings and four-pence of current *English* money; and of every cloth of greater length and weight, proportionably, according to the same rate; (2) and of every other short cloth of old drapery of lesser length and weight, accounting so many pieces to a short cloth, as are limited and appointed thereunto by the said book of rates, to be likewise exported by your said natural-born subjects, the like sum of three shillings four-pence, and so after that rate; (3) and by strangers and aliens six shillings and eight-pence for every short cloth accounted as aforesaid; (4) which several rates are accordingly expressed in the said book of rates herein after mentioned and referred unto; (5) to have, hold, take, enjoy and perceive the subsidies aforesaid, and every of them, and every part and parcel of them, unto your Majesty, from the four and twentieth day of *June* inclusively, in the twelfth year of your Majesty's reign, for and during your Majesty's life, which God long preserve.

III. And be it further enacted by the authority aforesaid, That if any wines, goods or other merchandize, whereof the subsidies aforesaid are or shall be due, shall at any time after be shipped or put into any boat or vessel, to the intent to be carried into the parts beyond the seas, or else be brought from the parts beyond the seas into any port, place or creek of this realm or other your Majesty's dominions, by way of merchandize, and unshipped to be laid on land, the subsidy, customs and other duties due or to be due for the same, not paid or lawfully tendered to the collector thereof or his deputy, with the consent and agreement of the comptroller and surveyor there or one of them at the least, nor agreed with for the same in the custom-house according to the true meaning of this act, that then, from the said four and twentieth day of *June*, all the same wines, goods and merchandizes whatsoever, shall be forfeit to your Majesty; the one moiety of the rate thereof to your Majesty, and the other moiety to him or them that will seize the same or sue for the

he same; and that it may please your Majesty, That all merchants, as well denizens as strangers, coming into this your realm, be well and honestly intreated and demeaned, for such things as subsidy by this act is granted, as they were in the time of your noble progenitors and predecessors, without oppression to them to be done, paying the subsidies aforesaid.

Merchants
strangers shall
be well in-
treated.

IV. And be it further enacted by the authority aforesaid, That if any goods or merchandize as aforesaid, of any merchant being born denizen, after the said four and twentieth day of *June*, hath been or at any time hereafter during your Majesty's life shall be taken by any enemies or pirates upon the sea, or perished, in any ship or ships that shall happen to be taken or perished during your Majesty's life, whereof the subsidies and other duties aforesaid are or shall be duly paid or agreed for as aforesaid, and that duly proved before the treasurer of *England*, commissioners of the treasury or chief baron of the exchequer for the time-being, by the examination of the same merchants if they be alive, or of their executors or administrators if they be dead, or by two credible witnesses at the least sworn, or other reasonable witnesses and proof sworn, then the same merchant or merchants, his or their executors or administrators, shall or may newly ship in the same port where the goods and merchandize aforesaid were or shall be customed, so much other merchandize or goods as the same goods or merchandize are or shall be lost as aforesaid shall amount unto in custom, without paying of any thing for the same; (2) so as the same proof be recorded and allowed of in the court of exchequer, and certified unto the collectors of the customs of the port where the same wares or merchandizes are to be newly shipped without custom as aforesaid: (3) And further, That every merchant-denizen who shall hereafter ship any goods or merchandize in any carrack or galley, shall pay to your Majesty all manner of customs and all the subsidies aforesaid, as any alien born out of the realm.

A proviso for
such whose
goods be tak-
en by pirates,
or perish on
the sea.

The customs
of any goods
shipped in car-
racks or gal-
lies.

V. Provided always, That it shall and may be lawful to all and every your subjects at his and their will and pleasure, to convey and transport out of this realm, in ships and other vessels of any the subjects of this realm, all and every kind of herrings and other sea-fish, to be taken on the sea by any the subjects aforesaid, from or out of any port or harbour of this realm, to any place out of your Majesty's dominions, without paying any custom, subsidy or poundage-monies for the same herrings or other fish so carried or transported, during your Majesty's life; any thing herein before contained to the contrary notwithstanding.

Shipping of
herrings.

VI. And because no rates can be imposed upon merchandize imported or exported by subjects or aliens; but by common consent in parliament; (2) Be it further enacted and declared by the authority aforesaid, That the rates intended by this present act shall be the rates mentioned and expressed in one book of rates, intituled, *The rates of merchandize*, that is to say, the subsidy of tonnage,

No rates to be
imposed on
merchandize
without au-
thority of par-
liament.

A book of rates agreed by the commons house of parliament.

tonnage, the subsidy of poundage, and the subsidy of woollen cloths or old draperies, as they are rated and agreed on by the commons house of parliament, set down and expressed in this book, to be paid according to the tenor of the act of tonnage and poundage, from the twenty-fourth day of *June* inclusively, in the twelfth year of his Majesty's reign, during his Majesty's life, and subscribed with the hand of Sir *Harbottle Grimston*, baronet, speaker of the house of commons; (3) which said book of rates composed and agreed on by your Majesty's said commons, and also every article, rule and clause therein contained shall be and remain during your Majesty's life, as effectual to all intents and purposes, as if the same were included particularly in the body of this present act.

The fees of custom officers.

VII. And it is further enacted, That during the continuance of this present grant, where the goods exported or imported amount to the value of five pounds or more, the customers and collectors, and all other his Majesty's officers in the several ports, shall take and receive such fees and no other, as were taken in the fourth year of the late King *James*, until such time as the said fees shall be otherwise settled by authority of parliament.

A proviso for such as paid before July 24, 1660.

VIII. Provided always, That no person or persons, who after the four and twentieth day of *June* in the year one thousand six hundred and sixty, and before the four and twentieth of *July* in the same year, have paid, received or collected any duties or customs, according to the rates used in *April* one thousand six hundred and sixty, shall be molested or any way impeached for or concerning the payment or receipt of the said duties or any other duties by this act imposed.

IX. And it is hereby further declared, That no person who hath shipped any goods since the said four and twentieth of *June*, and before the said four and twentieth of *July*, shall be liable to the payment of any duties therefore, other than such as were used to be paid in the said month of *April* one thousand six hundred and sixty.

Goods which may be exported immediately after the passing this act.

X. Provided always, and be it enacted by the authority aforesaid, That it shall and may be lawful for any person or persons, immediately from and after the passing of this act, to transport, ship and carry out of this kingdom, or out of any port thereof, by way of merchandize, any of these commodities, goods and merchandizes following; that is to say, iron, armour, bandeleers, bridle-bits, halbert-heads and sharps, holsters, muskets, carbines, fowling-pieces, pistols, pike-heads, sword or rapier-blades, saddles, snaffles, styrops, calve-skins dressed or undressed, geldings, oxen, sheep-skins dressed without the wool, and all sorts of manufactures made of leather, paying the respective rates appointed by this act and no other; any law, statutes, prohibitions and customs to the contrary notwithstanding.

Goods which may be exported being at certain

XI. And be it further enacted by the authority aforesaid, That it shall and may be lawful, immediately after the passing of this act, for any person or persons to ship, carry out and transport

ransport by way of merchandize, these several sorts of goods following, that is to say, (2) gunpowder, when the same doth not exceed the price of five pounds the barrel: (3) And wheat, rye, pease, beans, barley, malt and oats, beef, pork, bacon, butter, cheefe, candles, when the same do not exceed in price at the ports from whence they are laden, and at the time of their lading, these prices following; that is to say, (4) Wheat the quarter, forty shillings; rye, beans and pease, the quarter, twenty-four shillings; barley and malt the quarter, twenty shillings; oats the quarter, sixteen shillings; (5) beef the barrel, five pounds; pork the barrel, six pounds ten shillings; bacon the pound, six-pence; (6) butter the barrel, four pounds ten shillings; cheefe the hundred, one pound ten shillings; (7) candles the dozen pound, five shillings, paying the respective rates appointed by this act, and no more: any former law, statute, prohibition or custom to the contrary in any wise notwithstanding.

prices.
By 3 & 4 W.
& M. c. 8. and
11 & 12 W. 3.
c. 20. f. 4. the
exportation of
these victuals,
corn and
grain, &c. is
made duty-
free.
Altered as to ex-
portation of
beef, &c. by
22 Car. 2. c. 13.
f. 4.
1 W. & M.
stat. 1. c. 24.

XII. Provided always, That it shall be free and lawful for his Majesty, at any time when he shall see cause so to do, and for such time as shall be therein expressed, by proclamation to prohibit the transporting of gun-powder, or any sort of arms or ammunition into any parts out of this kingdom; any thing in this act contained to the contrary notwithstanding.

His Majesty,
by proclama-
tion may pro-
hibit trans-
porting of
gun-powder,
arms and am-
munition out
of England.
16 Car. 1. c.
21.

XIII. And be it further enacted by the authority aforesaid, That over above the rates herein before-mentioned, there shall be paid unto your Majesty of every ton of wine of the growth of *France, Germany, Portugal or Madera*, brought unto the port of *London*, or elsewhere, the sum of three pounds of current *English* money, within the space of nine months after the importing; (2) and of every ton of all other wines brought in, as aforesaid, the sum of four pounds of like current money, within the space of nine months after the importing thereof; (3) for the payment of which duties accordingly, the importer shall give good security: (4) And if any of the said wines, for which the additional duty in this clause mentioned is paid or secured at the importation, be exported within twelve months after their importation, then the aforesaid additional duty in this clause mentioned shall be returned, or the security discharged, as to so much as shall be so exported; (5) and if at the importation the importer shall pay for the same ready money, he shall be allowed after the rate of ten *per cent.* for a year.

An additional
subsidy upon
wines, over
and above the
fore-mention-
ed rates.
Security to be
given by the
importer.
The said sub-
sidy to be re-
paid upon ex-
portation.
These twelve
months en-
larged to three
years by 7
Geo. 1. stat. 1.
c. 21. f. 10.
All wines dis-
charged of ex-
cise.

XIV. And be it further enacted, That from and after the said four and twentieth day of *July*, all manner of wines whatsoever to be imported into the port of *London*, or elsewhere, shall be freed and discharged of and from the imposition of excise.

XV. Provided, and it is hereby declared and enacted, That the prize of wines, or prize wines, ought not to pay tonnage nor custom, and shall not be charged with the payment of any custom, subsidy or sum of money imposed upon wines by this act, or any thing therein contained. 13 Car. 2. stat. 1. c. 7.

Prize wines
not to pay any
custom or sub-
sidy.

The

THE RATES of MERCHANDIZE, that is to say, The subsidy of tonnage, the subsidy of poundage and the subsidy of woollen cloths or old-draperie, as they are rated and agreed on by the commons house of parliament. Set down and exprest in this book, to be paid according to the tenor of the act of tonnage and poundage from the 24th day of *June* inclusively, in the twelfth year of his Majesty's reign, during his Majesty's life, and subscribed with the hand of *Sir Harebotle Grimston* barone speaker of the house of commons.

11 Geo. I. c.7.

RATES INWARDS.

		A	
		ADZES for coopers, the dozen	xij. s.
		Aggets small as a beane, the C. dozen	xij. s. iiij. d.
		Aggets large, the piece	vj. d.
		Alphabets the set, containing twenty-four	v. s.
		Allum the hundred weight, cont. 112 pound	ij. l.
		Alpisti, or canary-seed, the hundred weight, containing 112 pound	ij. l. xv. s.
	Amber	{ the pound	iiij. s. viij. d.
		{ the mast, cont. two pound and an half	viij. s. iiij. d.
		{ beades the pound	x. s.
		Anchoves, the little barrel	vij. s. vj. d.
	Andirons	{ or creepers of latten, the pound	j. s.
		{ of iron, the paire	x. s.
		Andlets, or males, the pound	iiij. s.
		Anvils, the hundred weight, cont. 112 pounds	xv. s.
		Aneile of Barbary, the pound	j. s. vj. d.
8 Geo. I. c.15.	Apples	Annatto, the pound	j. s.
		{ the bushel	iiij. d.
		{ the barrel, containing three bushels	j. s.
8 Geo. I. c.20.	Apples	{ vocat. pippins, or rinnets the barrel containing three bushels	iiij. s.
		{ the barrel	ij. l. xij. s. iiij. d.
		Aqua-vitæ { the hogthead	iiij. l.
8 Geo. I. c.15.	Argall white and red: or powder, the hundred weight, containing 112 pound		j. l. iiij. s. iiij. d.
		Armour old, the hundred weight, containing 112 pound	j. l.
		Arrowes for trunks the groce, cont. twelve dozen	vj. s. viij. d.
	Ashes voc	{ pot-ashes the barrel, containing two hundred weight	j. l. v. s.
		{ wood or soap-ashes the last, containing 12 barrels	vj. l.
10 & 11 W. 3. c. 21.		Aule-blades, the thousand	xij. s. iiij. d.
		Aulgers for carpenters, the groce	j. l.
		Axes or hatchets, the dozen	vj. s. viij. d.

B

Babies, or puppets for children, the groce, containing 12 dozen

xvij. s. x. d.

Babies,

abies heads of earth, the dozen	_____	xij. s. iij. d.
11 other toys for children, to pay sixteen pence in twenty shillings value	_____	
of Iteland, the fitch	_____	v. s.
of Westphalia and Hamborough, of the like;	_____	j. l. vj. s. viij. d.
the hundred weight, cont. 112 pound	_____	xij. l.
great the hundred, containing 120	_____	v. l.
middle, the hundred, containing 120	_____	ij. l.
small, the hundred, containing 120	_____	ij. l. viij. s.
aggs with locks the dozen	_____	j. l. xij. s.
with steele rings without locks; the dozen	_____	v. l. vj. s. viij. d.
Gold ballances the groce, containing 12 dozen pair	_____	ij. l. xij. s. iij. d.
Ounce ballances the groce, containing 12 dozen pair	_____	ij. l. xj. s. ij. d.
the fort containing 4 dozen	_____	ij. l.
Tennis balls, the thousand	_____	ij. l.
washing-balls the groce; cont. 12 dozen	_____	xvj. s. viij. d.
landeliars the 100, containing five score	_____	x. s.
land-fringe, the dozen knots	_____	x. l.
lands, vocat. Flanders Bands of bone-lace the band	_____	xx. l.
lands cutwork, of Flanders, or any other country	_____	iv. l.
lankers of verdure, the dozen pieces	_____	xij. s. iv. d.
barbers aprons, or checks, the piece, not above ten yards	_____	j. l. xij. s. iv. d.
Barlings the hundred, containing 120	_____	j. l.
Barley, vide corn	_____	j. l.
Barillia; or saphora to make glass, the barrel, containing two hundred weight	_____	vj. s. viij. d.
Basket-rods, the bundle	_____	ij. s. iv. d.
Baskets, vocat. hand baskets; of sports the dozen	_____	i. s. iv. d.
Bafons of latten, the pound	_____	vj. s. viij. d.
Bast or straw-hats knotted, the dozen	_____	j. s. vj. d.
Bast or straw-hats plain, the dozen	_____	vj. d.
Bast the rope	_____	v. s.
ropes the bundle; containing 10 ropes	_____	vij. s.
the hundred weight, cont. 112 pound	_____	ix. l.
Batterie, bashrons, or kettles; the hundred weight, cont. 112 pound	_____	j. l. v. s.
Bayes of Florence, per yard	_____	x. s.
of amber the pound	_____	j. l. x. s.
of bone, the great groce, containing 12 small groce	_____	j. l. x. s.
of box the great groce	_____	x. s.
of coral the pound	_____	ij. l.
of cristall the thousand	_____	x. s.
of glass and wood all sorts the, great groce	_____	ij. l.
of jasper square the hundred stones	_____	j. l. v. s.
Beaupers the piece, cont. 24 or 25 yards	_____	j. l.
of Ireland or Scotland the barrel (a)	_____	vj. l.
or pork of Ireland or Scotland per ton	_____	v. s.
Bells vocat. Hawks bells, French-making, the dozen pair	_____	

(h) 5 Ann. c. 8.

Bells vocat.	Hawks bells, Norembourgh-making, the dozen pair,	ij. s.
	Horle bells the small groce, cont. 12 dozen	x. s.
	Dog bells the small groce, cont. 12 dozen	j. s. iv. d.
	Morrice bells the small groce, cont. 12 dozen	v. s.
	Clapper bells the pound	j. s.
	Bell metal the hundred weight, cont. 112 pound	j. l. xiiij. s. iv. d.
	Bellows the pair	viij. s. iv. d.
	Bits for bridles the dozen	j. l.
	Blacking or lamp-black the hundred weight, containing 112 pound	iv. l.
Blankets vocat.	Paris mantles coloured, the mantle	j. l. vi. s. viij. d.
	Paris mantles, or others uncoloured, the mantle	j. l.
Boards vocat.	barrel boards the hundred, cont. 120	v. s.
	clapboards the hundred, cont. 120 boards	xv. s.
	palboards for books the thousand	xiiij. s. iv. d.
	pipe boards or pipe holt the hundred, containing 120 boards	j. l.
	white boards for shoemakers the board	j. s.
	Bodkins the small groce, containing 12 dozen	vj. s. viij. d.
	Bomespars the hundred, containing 120	j. l. xiiij. s. iv. d.
Boratoes or Bombafines	narrow the single piece not above 15 yards	vj. l.
	broad the single piece not above 15 yards	vij. l.
	of silk	vide filke
	the basket or maund, containing 8 bales or 2 fats	viiij. l.
	the fat. cont. half a maund	iv. l.
	Bosses for bridles the small groce, cont. 12 dozen	j. l.
	Botanoes per piece	x. s.
Bottles.	of earth or stone the dozen	v. s.
	of glasse covered with wicker the dozen	j. l.
	of glasse with vices covered with leather the dozen	iv. l. x. s.
	of glasse uncovered the dozen	iv. s. vj. d.
	of wood, vocat. sucking bottles the groce containing 12 dozen	x. s.
Boultel	rains the piece	viiij. s.
	the bale containing twenty pieces	viiij. l.
	Bowes, vocat. stone-bowes of steel, the piece	x. s.
	Bow-staves the hundred, cont. six score staves	iv. l.
Boxes	fire, or tinder-boxes the groce, containing twelve dozen boxes	j. l.
	Nest boxes the groce, containing twelve dozen nests	iiij. l.
	pepper-boxes the groce, containing 12 dozen boxes	j. l. ij. s. vj. d.
Boxes.	Spice boxes the dozen	vj. s.
	round boxes, or French boxes for marmelade or gelly, the dozen	iv. s. vj. d.
	Sand-boxes the groce, cont. 12 dozen	j. l.
	Soap-boxes the thock, containing three score boxes	ij. l.

touch-boxes covered with leather, the dozen	liij. s.
touch-boxes covered with velvet, the dozen	xv. s.
touch-boxes of iron or other metal, guilt, the dozen	j. l.
tobacco-boxes the groce, cont. 12 dozen	j. l. x. s.
racelets or eck-laces { of glass the small groce, containing 12 bundles or dickers	iv. s.
red the small groce, containing 12 bundles or dickers	iv. s.
laver cocks the pound	j. s. iv. d.
pile weights the pound	j. s.
trumpets the dozen	xij. s.
lampes the dozen	x. s.
ridles the dozen	j. l.
rouches of latten or copper, the groce containing 12 dozen	xij. s.
beard brushes the groce, cont. 12 dozen	vj. s. viij. d.
of heath course the dozen	liij. s.
of heath fine, or head brushes, the dozen	vj. s. viij. d.
of haire called head brushes, the dozen	vj. s. viij. d.
of heath vocat. rubbing brushes, the dozen	j. s.
of haire vocat. comb-brushes, the groce containing 12 dozen	xij. s. iv. d.
of haire vocat. weavers brushes the dozen	v. s.
of haire vocat. rubbing brushes the dozen	j. s. iv. d.
rimstone the hundred weight, cont. 112 pound	vj. s. viij. d.
bristles { rough or undrest the dozen pound	v. s.
drest the dozen pound	x. s.
of Germany, or fine per piece	x. s.
of the east country the roule or half-piece	v. s.
of French-making the dozen pieces (a)	ij. l. x. s.
vocat. Carricke buckrams the short piece	ij. s.
buckles { for girdles the small groce, cont. 12 dozen	j. l.
for girthes the groce, cont. 12 dozen	vij. s. vj. d.
buffins, Mo-adoes; and { narrow the single piece, not above fifteen yards	iiij. l.
le Gro-rams. { broad the single piece; not above fifteen yards	iv. l. x. s.
bugasines or calico buckrams the half piece	v. s.
bugle { great the pound	iv. s.
small or seed bugle the pound	vj. s. viij. d.
lace the pound	viiij. s.
bullions for purses the groce, containing 12 dozen	x. s.
bull rushes the load	j. l.
bars for millstones the hundred, containing five score	ij. l. x. s.
buskins of leather the dozen paire	iv. l.
bustians the single piece, not above fifteen yards	ij. l.
butter { the barrel	j. l.
of Ireland the hundred weight, containing 112 pounds	x. s.
Buttons of brass, steel, copper or latten, the great groce, containing twelve small groce, every groce, 12 dozen	ij. l. xij. s. iv. d.

Buttons	of chryſtal the dozen	_____	viiij. s.
	of glaſſe the great groce, containing twelve	_____	j. l. vi. s. viij. d.
	ſmall groce	_____	j. l.
	of thred the great groce, containing twelve	_____	j. l.
	ſmall groce	_____	ij. l.
	of ſilk the great groce, containing twelve	_____	j. l.
	ſmall groce	_____	j. s. iv. d.
	of fine damaske work the dozen	_____	iv. l.
	of bugle the dozen	_____	iv. s.
	for handkerchers the groce, cont. 12 dozen	_____	
	of haire the groce, cont. 12 dozen	_____	

C			
Cabinets,	{ or countores ſmall the piece	_____	ij. l.
	{ or countores large the piece	_____	iv. l.
Cables tarred or untarred the hundred weight,	_____	_____	xij. s. iv. d.
	containing 112 pound	_____	ij. l.
Caddas or Cruell ribband the dozen pieces,	_____	_____	x. d.
every piece containing 36 yards	_____	_____	
Calve ſkins in the haire the piece	_____	_____	
Cabogium, vide Drugs	_____	_____	
Cameletto half ſilk, half haire, the yard	_____	_____	x. s.
Candles of tallow the pound	_____	_____	ij. d.
Candle plates, or wallers of braſs or latten the	_____	_____	j. s. iv. d.
	pound	_____	
Candleſticks	{ of braſs or latten the pound	_____	j. s. iv. s.
	{ of wire the dozen	_____	vj. s. viij. d.
Candleweeke the hundred weight, cont. 112	_____	_____	ij. l. x. s.
	pound	_____	
Callicoes fine or courſe the piece	_____	_____	x. s.
Canes or reeds the thouſand	_____	_____	ij. l. x. s.
Canes of wood	{ the dozen	_____	iv. s.
	{ the ſhock cont. 60 canes	_____	j. l.
Cant ſparrs the hundred, cont. ſix ſcore	_____	_____	j. l. xij. s. iv. d.
Capers the pound	_____	_____	vj. d.
Capravens the hundred, cont. ſix ſcore	_____	_____	ij. l. xij. s. iv. d.
Cap-hooks, or hooke-ends the groce, cont. 12 doz.	_____	_____	xv. s.
Caps vocat.	{ double turfed, or cockared caps the dozen	_____	ij. l. viij. s.
	{ for children the dozen	_____	j. l.
	{ nightcaps of ſattin and velvet the dozen	_____	ij. l.
	{ nightcaps of ſilk kniſt the dozen	_____	iv. l.
	{ nightcaps of woolen the dozen	_____	j. l.
Cards	{ nightcaps of linen the dozen	_____	vij. s.
	{ playing cards the groce, containing 12	_____	vj. l.
vocat.	{ dozen paire	_____	vj. s.
	{ wool cards old the dozen paire	_____	x. s.
Carpets vocat.	{ wool cards new the dozen paire	_____	
	{ of Tonney the piece, containing two yards	_____	j. l. x. s.
	{ and a half long	_____	xij. s. iv. d.
	{ of Scotland the piece (6)	_____	j. l. v. s.
	{ of Cornix the carpet two yards and a half	_____	x. s.
	{ long	_____	iv. s.
	Brunwicke carpets ſtrip and _____ the	_____	
	piece	_____	
	China of co _____	_____	

	Gentish the dozen	-	iiij. l.
Carpets	Turkey or Venice short the piece	-	j. l. x. s.
	Turkey or Venice long, containing	-	viiij. l.
ocat.	four yards and upwards	-	-
	of Persia the yard square, the yard	-	ij. l. v. s.
Carrells the piece, containing 15 yards	-	-	j. l. vi. s. viij. d.
Cases for looking glasses gilt	of N ^o 3 and 4 the dozen	-	iv. s.
	of N ^o 5 and 6 the dozen	-	vij. s.
	of N ^o 7 and 8 the dozen	-	x. s.
	of N ^o 9 and 10 and upwards	-	j. l. xiiij. s. iv. d.
	the dozen	-	-
Cases for looking glasses ungilt	of N ^o 3 and 4 the dozen	-	ij. s.
	of N ^o 5 and 6 the dozen	-	iiij. s. vj. d.
	of N ^o 7 and 8 the dozen	-	v. s.
	of N ^o 9 and 10 the dozen	-	xvi. s. viij. d.
Cases.	with wooden combs garnished the dozen	-	j. l.
	with small ivorie combs garnished the dozen	-	j. l. vj. s. viij. d.
	with middle fort. ivorie combs garnished the dozen	-	ij. l.
	with large ivorie combs garnished the dozen	-	iv. l.
	for combs single the groce, cont. 12 dozen	-	j. l.
	for combs double the groce, cont. 12 dozen	-	ij. l.
	for spectacles gilt the groce, containing 12 dozen	-	j. l. vi. s. viij. d.
	for spectacles ungilt the groce, cont. 12 dozen	-	xiiij. s. iv. d.
	for needles or pin-cases the groce, containing 12 dozen	-	xiiij. s. iv. d.
	for needles French guilt the dozen	-	v. s.
Cattel	imported from Ireland into England,	-	ij. l. x. s.
	great a-piece after the rate of	-	-
Caskets	of iron small the dozen	-	j. l. x. s.
	of iron middle fort, the dozen	-	ij. l. viij. s.
	of iron large, the dozen	-	iiij. l.
	of steel, the dozen	-	vj. l.
Caviare the hundred weight, cont. 112 pound	-	-	j. l.
Cauls	of linen for women, the dozen	-	viiij. s.
	of silk, the dozen	-	j. l. vj. s. viij. d.
Cestres of latten, the pound	-	-	j. s. iv. d.
Chaffing-dishes	of brass or latten, the pound	-	j. s. iv. d.
	of iron, the dozen	-	xiiij. s. iv. d.
Chains	for keys or purses, fine, the dozen	-	viiij. s.
	for dogs, course, the dozen	-	iiij. s. iv. d.
Chairs of walnut-tree, the piece	-	-	x. s.
Chamlets	unwatered or mohairs, the yard	-	iiij. s.
	watered, the yard	-	v. s.
	half silk half hair, the yard	-	x. s.
Cheefe the hundred weight, cont. 112 pound	-	-	vj. s. viij. d.
Cherries the hundred weight, cont. 112 bound	-	-	j. l.
Chess-boards, the dozen	-	-	j. l.
Chess-men the groce, cont. twelve dozen	-	-	xiiij. s.
Chests	of iron small or middle sort the piece	-	v. l.
	of iron large the piece	-	vj. l. xiiij. s. iv. d.
	of Cyprus wood the nest, cont. three chests	-	viiij. l.

Chests	{ of spruce or danke the nest, containing three chests	j. l. x. s.
	{ painted the dozen	ij. l.
Chimney-backs	{ small the piece	vj. s. viij.
	{ large the piece	xij. s. iij. d.
China pease the pound		ij. s. iv. d.
Chizels for joiners, the dozen		ij. s.
Cisterns, the dozen		ij. l.
Claphoult	{ the small hundred, containing six score boards	xv. s.
	{ or the ring, cont. two small hundred	j. l. x. s.
Clapboard	{ the great hundred, cont. twenty four small hundred	xviij. l.
		xij. s. iij. d.
Claricords the pair		ij. l.
Cloakes of felt the piece		vij. l. x. s.
All manner of woollen cloths imported per yard	{ vocat. Sylvester, or Campeche	j. s. viij. d.
	{ cocheneale the pound	vj. s. viij. d.
§ Geo. 7. c. 15. Cochineale	{ of all sorts of cocheneals, except Sylvester and Campeche cocheneale, the pound	vj. s. viij. d.
5 Ann. c. 8. Coals of Scotland the ton		vj. s. viij. d.
Coffers	{ covered with gilt leather, the dozen	ij. l.
	{ covered with velvet, the dozen	iv. l.
	{ with iron bars, the nest, cont. three coffers plain the nest, containing three coffers	j. l. xij. s.
	{ painted the nest, cont. three coffers	xij. s. iv. d.
Comashes out of Turkey, the piece		iv. l.
Combes	{ for wool the pair, old or new	v. s.
	{ of bone the pound	iv. s.
	{ of box the groce, cont. 12 dozen	x. s.
	{ vocat. lightwood combes the groce, containing 12 dozen	vj. s. viij. d.
	{ of horne for barbers, the dozen	ij. s.
	{ of ivory, the pound	x. s.
Comfets the pound	{ vocat. horse-combs, the dozen	iv. s.
		ij. s.
Compasses	{ of iron for carpenters, the dozen	ij. s.
	{ of brass, the dozen	iv. s.
	{ for ships, the dozen	vij. s. vj. d.
Copper	{ unwrought bricks or plates round or square, the hundred weight cont. 112 pound,	x. s.
	{ or rose copper	
	{ chaines, the chaine	ij. s.
	{ purples or plate the marke	vj. s. viij. d.
Copperas green the hundred weight, containing 112 pound		xv. s.
Cordage or ropes tarred or untarred the hundred weight, containing 112 pound		xij. s. iij. d.
Corke tacks	{ of iron the thousand	vj. s. viij. d.
	{ of steel the thousand	j. l. xij. s. iv. d.
Corke	{ for shoemakers, the dozen pieces	iv. s.
	{ of all other sorts the hundred weight, containing 112 pound	xvj. s. viij. d.

Corn

Corn	Wheat	Wheat imported not exceeding the price of five shillings six-pence the bushel at the place of importation by the bushel	v. s.
		When it shall exceed that rate by the quarter	vj. s. viij. d.
	Rye	Imported not exceeding the price of four shillings six pence the bushel at the place of importation by the bushel	iiij. s. iv. d.
		when it shall exceed that rate by the quarter	v. s.
	Beans	Imported, not exceeding the price of three shillings six pence the bushel at the place of importation	iiij. s. iv. d.
	Barley Malt	the bushel	iiij. s. iiiij. d. by
		When it shall exceed that rate, by the quarter	v. s.
		Coverlets of Scotland, the piece	xv. s.
		Counters of latin, the pound	j. s.
	Crosbow	laths the pound	vij. d.
		threed, the pound	vij. d.
		racks, the piece	x. s.
	Cruses	of stone without covers, the hundred,	x. s.
		containing five score	j. l. vj. s. viij. d.
		off stone with covers, the hundred, cont. 5 score	j. l. vj. s. viij. d.
		Cushians of Scotland, the dozen	x. s.
	Cushen-cloths	course, the dozen	iiij. l. x. s.
		of tapestry, the dozen	iiij. l. x. s.
		Cuttle bones, the thousand	j. l. vi. s. viij. d.

5 Ann. c. 2.

5 Ann. c. 3.

D

		Daggs with fire locks, or snaphances, the piece	j. l.
	Daggers	blades, the dozen	j. l. vj. s. viij. d.
		for children the dozen	iiij. s.
		of bone for children the dozen	ij. s.
		black, with velvet sheaths, the dozen	iiij. l.
	Deales voc.	gilt, with velvet sheaths, the dozen	iiij. l.
		Meabro-deals, the hundred, cont. fix-score	iiij. l.
		Norway-deals, the hundred, cont. fix-score	v. l.
		Burgendorp-deals, the hundred, containing fix-score	xij. l.
	Decks	Spruce-deals, the hundred, cont. fix-score	xv. l.
		or stayes for books, the dozen	iiij. s.
		for women to work on, covered with woolen, the piece	v. s.
		for women, covered with velvet, the piece	x. s.
	Dials	of wood, the dozen	iiij. s.
		of bone, the dozen	xij. s.
		Dimity, the yard	iiij. s.
		Dogs of earth, the grace, cont. twelve dozen	iiij. l.
	Dornix	with caddas the piece, cont. fifteen yards	j. l. x. s.
		with silk the piece, cont. fifteen yards	ij. l.
		with wool the piece, cont. fifteen yards	j. l. v. s.
		with thred the piece, cont. fifteen yards	j. l.

Dornix	{ French-making, the ell	ij. s. vj. d.
	{ French-making, the yard	ij. s.
	Dugeon, the hundred pieces, containing five-score	j. l.
Durance or	{ with thred, the yard	vj. s. viij. d.
	Duretty { with filk, the yard	x. s.
Dutties, the piece		j. l.
	Acacia, the pound	iiij. s.
Acorus, the pound	j. s.	
Adiantum album, the pound	vij. d.	
Adiantum nigrum, the pound	vj. d.	
Agaricus or agarick, trim'd or pared, the pound		j. l.
	Agaricus rough or untrim'd, the pound	v. s.
Agnus castus seeds, the pound	j. s.	
Alkanet roots, the pound	j. s.	
Alchernea	{ syrrop the pound	vj. s. viij. d.
	{ confectio, the ounce	iiij. s.
Aloes-cicotrina, the pound	v. s.	
Aloes-epatica, the pound	ij. s.	
Allum ronish or roch, the hundred, containing 112 pound		j. l.
	Ambergreece black or grey, the ounce troy	iiij. l.
Ameos seed, the pound	vij. d.	
Amomi seeds, the pound	vij. d.	
Anacardium, the pound	iijs. iiij. d.	
Angelica, the pound	j. s.	
Antimonium crudum, the hundred weight, containing 112 pound		j. l.
	Antimonium preparatum or stibium, the pound	vij. d.
Argentum sublimé or limum, the pound, or quicksilver		iiij. s.
	Aristolochia longa and rotunda, the pound	j. s. iiij. d.
Arsnick white or yellow, or rosafger, the pound		iiij. d.
	Asarum roots, the pound	j. s.
Aspalathus, the pound	j. s. vj. d.	
Asta fetida, the pound	j. s. ij. d.	
Almonds bitter, the hundred weight, containing 112 pound		ij. l.
	Alumen plume, the pound	j. s.
Balaustium, the pound	ij. s. vj. d.	
Balsamum artificial, the pound	iijs. iiij. d.	
Balsamum natural, the pound	x. s.	
Bayberries, the 112 pound	xiiij. s. iiij. d.	
Barley huld or French barley, the 112 pound (a)		j. l.
	Bdellium, the pound	ij. s. vj. d.
Benalbum or rubrum, the pound	ij. s.	
Benjamin of all sorts, the pound	v. s.	
Béazer stone of the East-India, the ounce troy		iiij. l.

Geo. I. c. 15.

Beazer stone of the West-India, the ounce	tro	x s.
Black leade, the 112 pound		l. x s.
Blata Bizantia, the pound		ij s.
Bolus communis, or armoniacus, the hundred weight, cont. 112 pound		vj s. viij d.
Bolus verus the pound, or fine bole		vij d.
Borax in paste or unrefined, commonly called Tinkull, the pound		ij s. iv d.
Borax refined, the pound		xij s. iij d.
Bunkins, holiwortles or pistolachia, the pound		ij s. vj d.
Callamus, the pound		vij d.
Camphire refined, the pound		v s.
Camphire unrefined, the pound		ij s. vj d.
Cancri oculus, the pound		iv s.
Cantarides, the pound		v s.
Caraway seeds, the 112 pound		l. iv s.
Cardamomes, the pound		ij s.
Carpo balsami, the pound		iv s.
Carabe, or succinum, the pound		j s.
Carthamus seeds, the pound		vij d.
Cassia fistula, the pound, of all sorts		j s. vj d.
Cassia lignea, the pound		j s. viij d.
Castoreum or bevor cods, the pound		x s.
Cerussa, the 112 pound		l. x s.
China roots, the pound		vj s. viij d.
Ciceres white and red, the pound		vj d.
Ciperus longus & rotundus, the 112 pound		l. xij s. iv d.
Ciperus nuts, the pound		vij d.
Civet, the ounce tro		ij l.
Coculus Indiz, the pound		ij s.
Coloquintida, the pound		ij s.
Coral, red or white in fragments, for physick use, the pound		ij s. iv d.
Coral whole, the pound		j l.
Coriander seeds, the one hundred and twelve pound		j l.
Cortex guaci, the 112 pound		ij l.
Cortex caperum, the pound		j s.
Cortex tamerisçi, the pound		vij d.
Cortex mandragoræ, the pound		ij s.
Cofcus dulcis and amarus, the pound		j s. viij d.
Cubebs, the pound		j s. iv d.
Cumminseed, the 112 pound		l. xij s. iv d.
Cuscuta, the pound		j s.
Cyclamen or panis porcinus, the pound		ij s.
Citrage, the pound		j s.
Cetrach, the pound		j s.
Cinabrum or vermilion, the pound		ij s. vj d.
Copperas { white, the 112 pound		ij l.
{ blew, of Danske or Hungary, the 112 pound		xij s.
Cambogium or gutta gambæ, the pound		ij s. iv d.
Chrystal in broken pieces for physick uses, per lb.		ij s. iv d.

Drugs vocat.	Carlina, the pound	—	—	j s.
	Carolina the pound	—	—	iv d.
	Cortex winteranus, the pound	—	—	vij d.
	Daucus creticus, the pound	—	—	iv s.
	Diagredium or scamony, the pound	—	—	j l.
	Diptamus, {	leaves, the pound	—	j s.
		roots, the pound	—	j s. vj d.
	Doronicum, the pound	—	—	j s. vj d.
	Eleborus albus and niger, the pound	—	—	vij d.
	Epithemum, the pound	—	—	j s.
	Es astum, the pound	—	—	j s. iv d.
	Euphorbium, the pound	—	—	vij d.
	Fennel seeds, the pound	—	—	vj d.
	Fenugreek, the 112 pound	—	—	xv s.
	Flory, the pound	—	—	ij s.
	Folium Indiar, the pound	—	—	j s.
	Fox lungs, the pound	—	—	ij s.
	Frankincense of France or Persia, the 112 pound	—	—	xij s.
	Galbanum, the pound	—	—	j s. vj d.
	Galanga, the pound	—	—	j s. vj d.
	General the pound	—	—	j s. iv d.
	Gentiana, the pound	—	—	vj d.
	Guiny pepper, the pound	—	—	j s.
	Grana pinæ, the pound	—	—	j s.
	Green ginger, the pound	—	—	ij s.
	Gum ammi, the pound	—	—	j s.
	Gum armoniack, the pound	—	—	j s.
	Gum caranæ, the pound	—	—	iv s.
	Gum tragacant, the pound	—	—	j s.
	Gum elemni, the pound	—	—	x d.
	Gum hederæ, the pound	—	—	iv s.
	Gum lack, the pound (a)	—	—	j s.
	Gum opopanax, the pound	—	—	vi s. vij d.
	Gum sarcocol, the pound	—	—	j s. vj d.
	Gum serapinum the pound, or sagapehum	—	—	j s. vj d.
	Gum taccamahacca; the pound	—	—	iv s.
	Grana tinctorum	—	—	ij s. vj d.
	Grains of Guiney or French grains, the 112 pound	—	—	j l. x s.
	Gum Arabeck, or gum Seneca, the hundred and twelve pound	—	—	j l. s.
	Gum sandrake, or gum juniperi, the hundred and twelve pound	—	—	j l. viij s.
	Gum guiaci, the pound	—	—	iv s.
	Gum cament, the pound	—	—	vj d.
	Hermodactylus, the pound	—	—	ij s.
	Hypocistis, the pound	—	—	ij s.
	Horns of harts or stags, the hundred	—	—	j l. x s.
	Incese or olibanum, the 112 pound	—	—	vl.
	Ireos, the 112 pound	—	—	ij l. x s.
	Isonglass, the 112 pound (a)	—	—	vl.
	Jujubes, the pound	—	—	j s.
	Jolop, the pound	—	—	iv s.
	Juniper berries, the 112 pound	—	—	j l.

Labdanum

Abdanum or Lapadonum, the pound	j s.
Lapis Callaminaris, the 112 pound	xvj s. viij.
Lapis Hematitidis, the pound	j s.
Lapis judaicus, the pound	j s.
Lapis lazuli, the pound	x s.
Lapis tutia, the pound	j s.
Leaves of roses, the pound	j s.
of violet or flowers, the pound	vij d.
Lyntiscus or xylobalsamum, the pound	j s. viij d.
Lignum aloes, the pound	x s.
Lignum asphaltum, the pound	j s.
Lignum rhodium, the 112 pound	x s.
Lignum vite, the 112 pound	x s.
Litharge of gold, the 112 pound	xij s.
Litharge of silver, the 112 pound	x s.
Locust, the pound	j s. iij d.
Lupines, the 112 pound	x s.
Lentills, the pound	ij d.
Lapis contrayerva, the ounce	v s.
Lignum nephreticum, the pound	iv s.
Madder roots, or rubes diaetorum, the } pound (a)	j s.
Manna, the pound	j s. vj d.
Marmelade, the pound	j s.
Mastick white, the pound	ij s. iv d.
Mastick red, the pound	j s.
Mechoacan, the pound	ij s. vj d.
Mercury sublimat. the pound	ij s.
Mercury precipitat. the pound	v s. viij d.
Methridate Venetia, the pound	x s.
Millium folis, the pound	j s.
Mirabolanes dry, the pound	j s.
Mirabolanes, condited the pound	j s. viij d.
Mirtle berries the pound	j s.
Mumma, the pound	fs.
Muske, the ounce troy	ij l.
Muske cods, the dozen	ij l.
Myrrha, the pound	ij s.
Nygella, the pound	vij d.
Nytrum, the pound	ij s.
Nutmegs condited, the pound	iv s.
Nux de benne, the pound	j s.
Nux cupressi, the pound	vij d.
Nux indica, the piece	vj d.
Nux vomica, the pound	vij d.
Nardus Celtica, or Spica Romana, the } 112 pound.	v l. xij s.
Nux pini or grana pini, the pound	j s.
Olibanum or incense, the 112 pound	v l.
Opium, the pound	x s.
Opium huirredem, the pound	vj d.
Orcant or almet, the pound	j s.
Oringe flower ointment, the pound	ij s. vj d.
water, the gallon	v s.
Organum, the pound	vij d.

Offa

§ Geo. 1. c. 15.

Drugs vocat.

§ Geo. 1. c. 15.

§ Geo. 1. c. 15.

Offa de corde cervi, the pound	ij l.
Oyle of amber, the pound	x s.
Oyle of rosemary, the pound	vij s.
Oyle de bay, the 112 pound	ij l.
Oyle of mace or nutmegs, the pound	vj s.
Oyle de ben, the pound	vj s. viij d.
Oyle of spike, the pound	j s. viij d.
Oyle of almonds, the pound	j s.
Oyle de scorpiens, the pound	ij s. viij d.
Oleum petrolium, the pound	j s. viij d.
Oleum turpentine, the pound	vj d.
Orabus, the pound	vj d.
Orpiment or auripigmentum, the 112 pound	ij l.
Panther, the pound	iv l.
Panis porcinus, vide cyclopanem	
Pearle beaten, the ounce troy	iiij s. iv d.
Pellitorie, the pound	vj d.
Pepper long, the pound	j s.
Perrosen, vide franckinsence	
Piony seeds, the pound	vij d.
Pistachias or nux pistachiz, the pound	j s.
Pix Burgundia, the 112 pound	xv s.
Polium montanum, the pound	vij d.
Polipodium, the pound	iv d.
Pomegranet pills, the 112 pound	ij l.
Poppie seeds, the pound	vij d.
Præcipitate, vide mercurie præcipitatus	
Psyllium, the pound	vij d.
Prunellæ or pruans of Brunotia, the pound	j s.
Quicksilver, vide argentum vivum	
Rhapontikum, the pound	xiiij s. iv d.
Radix esule, the pound	j s.
Redlead, the 112 pound	xv s. viij d.
Rhabarbarum or rubarbe, the pound	j l.
Rosalger, the pound, vide arsenick	
Rosset, the pound	vj d.
Radix contra yerva, the pound	ij s. iv d.
Radix scorionera, the pound	iiij s. iv d.
Radix geonæ, the pound	vij d.
Sal alkali, the pound	iv s.
Sal armoniacum, the pound	j s. viij d.
Sal gem, the pound	vij d.
Sal niter, the pound	j s. vj d.
Sandracha or gum sandracha, or gum juniperi the hundred and twelve pound	j l. viij s.
Sandiver, the 112 pound	x s.
Sanguis draconis, the pound	iiij s. iv d.
Sariaparilla, the pound	iiij s. iv d.
Sassafras wood or roots, the hundred and twelve pound	j l.
Saunders white, the pound	j s.
Saunders yellow, the pound	ij s.
Saunders red alias stock, the 112 pound	iiij l.
Scamonie, vide diagredium	
Scincus marinus the piece	iiij d.

Scordium

Scordium, the pound	—	—	vj d.
Scorpions, the piece	—	—	ijj d.
Sebestines, the pound	—	—	j s.
Seeds for gardens of all sorts, the pound	—	—	vijj d.
Seler montanus, the pound	—	—	vijj d.
Semen cucumeris, cucurb. citrul. melon the lb.	—	—	vijj d.
Sena, the pound	—	—	ij s. vjd.
Soldonella, the pound	—	—	viii d.
Sperma cæti fæc, the pound	—	—	v s.
Sperma cæti course oylic, the 112 pound	—	—	iiij l.
Spica celtica, vide nardus celtica, or spica } Romana	—	—	
Sanguis hirci, the pound	—	—	j s.
Spicknard, the pound	—	—	vj s. viij d.
Spodium, the pound	—	—	j s. vjd.
Spunges, the pound	—	—	ijj s. iv d.
Squilla, the 112 pound	—	—	j l. v s.
Squinanthum, the pound	—	—	ijj s. iv d.
Stachados, the pound	—	—	x d.
Staphisager, the 112 pound	—	—	ij l.
Stibium, vide antimonium preparatum	—	—	
Storax calamita, the pound	—	—	v s.
Storax liquida, the pound	—	—	j s.
Succus liquiritiz, the pound	—	—	j s.
Sulphur vivum, the pound	—	—	vijj d.
Tamarindes, the pound	—	—	x d.
Terra lemnia, the pound	—	—	v s.
Terra sigillata, the pound	—	—	ijj s.
Thlaspii semen, the pound	—	—	j s.
Tornall, the pound	—	—	vijj d.
Trocisci de vipera, the ounce troy	—	—	v s.
Treacle common, the pound	—	—	ij s.
Treacle of Venice, the pound	—	—	x s.
Turbith, the pound	—	—	v s.
Turbith thapsiæ, the pound	—	—	ii s.
Turmeric, the pound	—	—	j s.
Turpentine of Venice, Scio or Cyprus the } pound	—	—	j s. viij d.
Turpentine common, the 112 pound	—	—	x s.
Talke white, the pound	—	—	vj d.
Talke green, the pound	—	—	ij s.
Verdigreece, the pound	—	—	j s. viij d.
Vernish, the 112 pound	—	—	ij l.
Vermillion, vide cinabrium	—	—	
Vitriolum romanum, the pound	—	—	j s.
Vmber, the hundred weight, cont. 112 pound	—	—	j l.
Vifcus quercinus, the pound	—	—	iv s.
White lead, the 112 pound	—	—	j l.
Wormseeds, the pound	—	—	ijj s. iv d.
Zedoaria, the pound	—	—	ijj s. iv d.
Xylbalsamum, vide lentiscus	—	—	

2 Geo. 1. c. 15.

2 Geo. 1. c. 15.

All drugs imported directly from the place of their growth in English-built shipping, to be rated one third part of what is charged in the book of rates, and no more.

Diamonds, pearls, precious stones and jewels, the }
hundred pound value --- x s.

6 Geo. 2. c. 7.

Earlings,

E			
Earthen ware	Earlings, the groce, cont. 12 dozen	_____	j l.
	Brick stones, by the thousand	_____	j l.
	Flanders tiles to scowr with, the thousand	_____	ij l.
	Gally tiles, the foot	_____	j s.
	Paving tiles, the thousand	_____	iiij l.
	Tiles called pan tiles, the thousand	_____	vij l.
	All other sorts of earthen ware not particularly mentioned, to pay for every twenty shillings value 1 s. 6 d.	_____	j s. viij d.
Eggs, the hundred, cont. six score		_____	j s. viij d.
Elephants teeth, the hundred, cont. 112 pound		_____	iv l.
Emery stones, the hundred weight cont. 112 pound		_____	vij s.
Ebony wood, the hundred weight, cont. 112 pound		_____	j l.

F			
Fannes	For corn, the piece	_____	vj s. viij d.
	of paper, the dozen	_____	vj s. viij d.
	for women and children French-making, the dozen	_____	ij l.
Feathers	for beds, the 112 pound	_____	iv l.
	voc. ostridge or ostridge feathers undrest the pound	_____	j l.
	ostridge or ostridge drest, the pound	_____	ij l.
Feather-beds old or new, the piece		_____	ij l. xij s. iv d.
Felts for cloaks, French-making, three yards and an half long, one yard and an half broad the felt		_____	iv l.
Fiddles for children, the dozen		_____	iv s.
Fire-shovels, the dozen		_____	xij s. iv d.
Fire-shovel plates, the hundred weight cont. 112 lb.		_____	xij s. iv d.
Figuretto, the yard		_____	vij s. iv d.
Fish voc.	Fishes, the groce, containing twelve dozen	_____	ij l.
	Cod-fish, the barrel	_____	xij s. iv d.
	Cod-fish, the last, cont. twelve barrels	_____	vij l.
	Cod-fish, the hundred, cont. six score	_____	ij l. vj s. viij d.
	Cods-heads, the barrel	_____	ij s. iv d.
	Cole-fish, the hundred, cont. six score	_____	j l.
Fish voc.	Eeles voc.	Pimper eeles, the barrel	j l.
		Shaft, kine or dole eeles the barrel	j l. x s.
		Spruce eeles, the barrel	ij l.
		Stub eeles, the barrel	ij l. vj s. viij d.
		Quick eeles, the ships lading	xx l.
	Herrings	Gull fish, the barrel	vj s. viij d.
		Haddocks, the batrel	vj s. viij d.
		white, full or shotten, the barrel	vij s. iv d.
		white, full or shotten, the last, cont. twelve barrels	v l.
		red, the cade, cont. 500	vij s. iv d.
		red, the last, cont. 20 cades	vij l. vj s. viij d.
		Lampreis, the piece	j s.
		Lings of all sorts, the hundred, cont. six score	iii l. vj s. viij d.
		Newland fish small, the hund. cont six score	x s.
		Newland fish, middle sort, the hund. cont. 6 score	j l.
		Newland	

7 & 8 W. 3.
c. 20.

25 Car. 2. c. 7.

*Note, That all
sorts of fish
English taken
and brought in
English ships,
ought to pay no
custom, as by the
stat. 10. Eliz.
Reg. cap. 5.*

	ewland fish great, the hund. cont. 6 score	j l. x s.
	lmon, the barrel	ij l.
	lmon giles, the barrel	xv s.
	ale fish, the fish	xij s. iv d.
	Cropling, the hund. cont. 6 score	xij s. iv d.
	Cropling the last, cont. 1000	v l. xij s. iv d.
	Lubfish, the hund. cont. six score	j l. vj s. viij d.
	Lubfish, the last, cont. 1000	xij l. vj s. viij d.
	Titling, the hund. cont. six score	vj s. viij d.
	Titling, the last, cont. 1000	ij l. vj s. viij d.
	Whiting the barrel	ij s. iv d.
	el, the yard	j s. viij d.
	covered with leather, the dozen	v s.
	covered with velvet, the dozen	ij l.
	of horn the dozen	vj s. viij d.
	pruce, Muscovie, and all flax undrest, the	j l.
	hundred weight, cont. 112 pound	—
	drest or wrought flax, the hundred weight,	xvi.
	containing 112 pound	—
	ns to lead blood, the piece	ij d.
	cs, the hundred weight, cont. 112 pound	ij l.
	s courfe, the groce, cont. 12 dozen	j l.
	ze of Ireland, the yard	ix d.
	do, the piece, cont. 24 yards	vij l.
	Armins, the tymber, cont. 40 skins	ij l.
	Badger skins, the piece	ij s.
	Beare skins black or red, the piece	j l.
	Beare skins white, the piece	ij l.
	Beaver skins, the whole piece	vj s. viij d.
	Beaver wombes, the piece	j s. viij d.
	white taw'd, the hundred, cont. five	—
	score skins	ij l.
	black tawed, the dozen skins	j l. vj s. viij d.
	black untawed, the hundred, cont. five	—
	score skins	ij l. x s.
	Poules the far, cont. 4 pains	j l.
	Navern, the hundred legs, cont. five score	vij s. iij d.
	Rumney, the hund. legs, cont. five score	vj s. viij d.
	untawed, the tymber, cont. 40 skins	vj s. viij d.
	tawed, the tymber, cont. 40 skins	vij s.
	seasoned, the paine	j l.
	stagg, the paine	xij s. vj d.
	skins, the hundred, cont. five score	ij l.
	pouls, the hundred, cont. five score	j l.
	pouls, the mantle	vj s. iij d.
	wombes, the paines or mantle	vj s. iij d.
	Dokers, the tymber, cont. 40 skins	xij s. iv d.
	Fitches { the tymber, cont. 40 skins	xij s. iv d.
	{ the paine or mantle	xij s. vj d.
	Foxes { the black fox skin	x l.
	{ the ordinary skin	j s. iv d.
	{ the pain or mantle	xv s.
	wombes, poules, or pieces the pain	x s.
	Foynes backs the dozen	xij s. iv d.
	Foynes tales, the pain or mantle	xij s. vj d.

Chests	{ of spruce or danke the nest, containing }	j. l. x. s.
	three chests	—
Chests	{ painted the dozen }	ij. l.
	—	—
Chimney-backs	{ small the piece }	vj. s. viij.
	{ large the piece }	xij. s. iij. d.
China pease the pound	—	ij. s. iv. d.
Chizels for joiners, the dozen	—	ij. s.
Cittrons, the dozen	—	ij. l.
Claphoult	{ the small hundred, containing six }	xv. s.
	score boards	—
or	{ the ring, cont. two small hundred }	j. l. x. s.
	the great hundred, cont. twenty	—
Clapboard	{ four small hundred }	xviij. l.
Claricords the pair	—	xij. s. iij. d.
Cloakes of felt the piece	—	ij. l.
All manner of woollen cloths imported per yard	{ vocat. Sylvester, or Campeache }	vij. l. x. s.
	cocheuale the pound	j. s. viij. d.
Geo. 2. c. 15. Cocheuale	{ of all sorts of cocheuale, except }	vj. s. viij. d.
	Sylvester and Campeache cocheuale, the pound	—
Ann. c. 8. Coals of Scotland the ton	{ covered with gilt leather, the dozen }	vj. s. viij. d.
	covered with velvet, the dozen	—
Coffers	{ with iron bars, the nest, cont. three coffers }	ij. l.
	{ plain the nest, containing three coffers }	iv. l.
Coffers	{ painted the nest, cont. three coffers }	j. l. xij. s.
	—	xij. s. iv. d.
Comashes out of Turkey, the piece	—	xij. s.
Combes	{ for wool the pair, old or new }	iv. s.
	of bone the pound	v. s.
Combes	{ of box the groce, cont. 12 dozen }	iv. s.
	vocat. lightwood combes the groce, contain-	x. s.
Combes	{ ing 12 dozen }	vj. s. viij. d.
	of horne for barbers, the dozen	—
Combes	{ of ivory, the pound }	ij. s.
	vocat. horse-combs, the dozen	x. s.
Comfets the pound	—	iv. s.
Compasses	{ of iron for carpenters, the dozen }	ij. s.
	of brass, the dozen	—
Compasses	{ for ships, the dozen }	iv. s.
	—	vij. s. vj. d.
Copper	{ unwrought bricks or plates round or square, }	—
	the hundred weight cont. 112 pound,	x. s.
Copper	{ or rose copper }	—
	chaines, the chaine	ij. s.
Copper	{ purles or plate the marke }	vj. s. viij. d.
	—	—
Copperas green the hundred weight, containing	112 pound	xv. s.
Cordage or ropes tarred or untarred the hundred	{ weight, containing 112 pound }	xij. s. iij. d.
	—	—
Corke tacks	{ of iron the thousand }	vj. s. viij. d.
	of steel the thousand	j. l. xij. s. iv. d.
Corke	{ for shoemakers, the dozen pieces }	iv. s.
	of all other sorts the hundred weight, con-	xvj. s. viij. d.
	taining 112 pound	—

Corn	Wheat	Wheat imported not exceeding the price of five shillings six-pence the bushel at the place of importation by the bushel	v. s.
		When it shall exceed that rate by the quarter	vj. s. viij. d.
	Rye	Imported not exceeding the price of four shillings six pence the bushel at the place of importation by the bushel	iiij. s. iv. d.
		when it shall exceed that rate by the quarter	v. s.
	Beans Barley Malt	Imported, not exceeding the price of three shillings six pence the bushel at the place of importation iiij. s. iiij. d. by the bushel	iiij. s. iv. d.

When it shall exceed that rate, by the quarter - v. s.

Coverlets of Scotland, the piece - xv. s.

Counters of latin, the pound - j. s.

Crosbow { laths the pound - viij. d.

{ threed, the pound - viij. d.

{ racks, the piece - x. s.

Cruses { of stone without covers, the hundred, } x. s.

{ containing five score - } j. l. vj. s. viij. d.

Cushians of Scotland, the dozen - x. s.

Cushen-cloths { course, the dozen - iiij. l. x. s.

{ of tapestry, the dozen - iiij. l. x. s.

Cuttle bones, the thousand - j. l. vi. s. viij. d.

D

Daggs with fire locks, or snaphances, the piece - j. l.

blades, the dozen - j. l. vj. s. viij. d.

for children the dozen - iiij. s.

of bone for children the dozen - iiij. s.

black, with velvet sheaths, the dozen - iiij. l.

gilt, with velvet sheaths, the dozen - iiij. l.

Meabro-deals, the hundred, cont. fix-score - iiij. l.

Norway-deals, the hundred, cont. fix-score - v. l.

Burgendorp-deals, the hundred, containing fix-score - xij. l.

Spruce-deals, the hundred, cont. fix-score - xv. l.

or stayes for books, the dozen - iiij. s.

for women to work on, covered with wool- len, the piece - v. s.

for women, covered with velvet, the piece - x. s.

Dials { of wood, the dozen - iiij. s.

{ of bone, the dozen - xij. s.

Dimity, the yard - iiij. s.

Dogs of earth, the grace, cont. twelve dozen - iiij. l.

with caddas the piece, cont. fifteen yards - j. l. x. s.

with silk the piece, cont. fifteen yards - ij. l.

with wool the piece, cont. fifteen yards - j. l. v. s.

with thred the piece, cont. fifteen yards - j. l.

Dornix	French-making, the ell	_____	ij. s. vj. d.
	French-making, the yard	_____	ij. s.
	Dugeon, the hundred pieces, containing five-score	_____	j. l.
Durance or	with thred, the yard	_____	vj. s. viij. d.
	Duretty with silk, the yard	_____	x. s.
Dutties, the piece	_____	_____	j. l.
	Acacia, the pound	_____	iiij. s.
Acorus, the pound	_____	_____	j. s.
	Adiantum album, the pound	_____	vij. d.
Adiantum nigrum, the pound	_____	_____	vj. d.
	Agaricus or agarick, trim'd or pared, the pound	_____	j. l.
Agaricus rough or untrim'd, the pound	_____	_____	v. s.
	Agnus castus seeds, the pound	_____	j. s.
Alkanet roots, the pound	_____	_____	j. s.
	Alcherne	_____	vj. s. viij. d.
Aloes-cicotrina, the pound	_____	_____	iiij. s.
	Aloes-epatica, the pound	_____	v. s.
Allum ronish or roch, the hundred, containing 112 pound	_____	_____	ij. s.
	Ambergreece black or grey, the ounce	_____	j. l.
Ambergreece black or grey, the ounce	_____	_____	iiij. l.
	troxy	_____	_____
Ameos seed, the pound	_____	_____	vij. d.
	Amomi seeds, the pound	_____	vij. d.
Anacardium, the pound	_____	_____	iijs. iiij. d.
	Angelica, the pound	_____	j. s.
Antimonium crudum, the hundred weight, containing 112 pound	_____	_____	j. l.
	Antimonium preparatum or stibium, the pound	_____	vij. d.
Argentum sublime or limum, the pound, or quicksilver	_____	_____	iiij. s.
	Aristolochia longa and rotunda, the pound	_____	j. s. iiij. d.
Arsnick white or yellow, or rosafalger, the pound	_____	_____	iiij. d.
	Asarum roots, the pound	_____	j. s.
Aspalathus, the pound	_____	_____	j. s. vj. d.
	Asta foetida, the pound	_____	j. s. ij. d.
Almonds bitter, the hundred weight, containing 112 pound	_____	_____	ij. l.
	Alumen plume, the pound	_____	j. s.
Balaustium, the pound	_____	_____	ij. s. vj. d.
	Balsamum artificial, the pound	_____	iiij. s. iiij. d.
Balsamum natural, the pound	_____	_____	x. s.
	Bayberries, the 112 pound	_____	xiiij. s. iiij. d.
Barley huld or French barley, the 112 pound (a)	_____	_____	j. l.
	Bdellium, the pound	_____	ij. s. vj. d.
Benalbum or rubrum, the pound	_____	_____	ij. s.
	Benjamin of all sorts, the pound	_____	v. s.
Beazer stone of the East-India, the ounce	_____	_____	iiij. l.
	troxy	_____	_____

Drugs-vocat.

Drugs

Beazer stone of the West-India, the ounce	troy	_____	_____	} x s.
Black leade, the 112 pound	_____	_____	_____	j l. x s.
Blata Bizantia, the pound	_____	_____	_____	ij s.
Bolus communis, or armoniacus, the hundred weight, cont. 112 pound	_____	_____	_____	vj s. viij d.
Bolus verus the pound, or fine bole	_____	_____	_____	viij d.
Borax in paste or unrefined, commonly called Tinkull, the pound	_____	_____	_____	ijj s. iv d.
Borax refined, the pound	_____	_____	_____	xij s. iiij d.
Bunkins, holiwartles or pistolachia, the pound	_____	_____	_____	ij s. vj d.
Callamus, the pound	_____	_____	_____	viij d.
Camphire refined, the pound	_____	_____	_____	v s.
Camphire unrefined, the pound	_____	_____	_____	ij s. vj d.
Cancri oculus, the pound	_____	_____	_____	iv s.
Cantarides, the pound	_____	_____	_____	v s.
Caraway seeds, the 112 pound	_____	_____	_____	j l. iv s.
Cardamomes, the pound	_____	_____	_____	ijj s.
Carpo balsami, the pound	_____	_____	_____	iv s.
Carrabe, or succinum, the pound	_____	_____	_____	j s.
Carthamus seeds, the pound	_____	_____	_____	viij d.
Cassia fistula, the pound, of all sorts	_____	_____	_____	j s. vj d.
Cassia lignea, the pound	_____	_____	_____	j s. viij d.
Castoreum or bevor cods, the pound	_____	_____	_____	x s.
Ceruffa, the 112 pound	_____	_____	_____	j l. x s.
China roots, the pound	_____	_____	_____	vj s. viij d.
Ciceres white and red, the pound	_____	_____	_____	vj d.
Ciperus longus & rotundus, the 112 pound	_____	_____	_____	j l. xij s. iv d.
Ciperus nuts, the pound	_____	_____	_____	viij d.
Civet, the ounce troy	_____	_____	_____	ij l.
Coculus India, the pound	_____	_____	_____	ij s.
Coloquintida, the pound	_____	_____	_____	ij s.
Coral, red or white in fragments, for physick use, the pound	_____	_____	_____	ijj s. iv d.
Coral whole, the pound	_____	_____	_____	j l.
Coriander seeds, the one hundred and twelve pound	_____	_____	_____	j l.
Cortex guaci, the 112 pound	_____	_____	_____	ijj l.
Cortex caperum, the pound	_____	_____	_____	j s.
Cortex tamerisci, the pound	_____	_____	_____	viij d.
Cortex mandragoræ, the pound	_____	_____	_____	ij s.
Cofcus dulcis and amarus, the pound	_____	_____	_____	j s. viij d.
Cubebs, the pound	_____	_____	_____	j s. iv d.
Cuminseed, the 112 pound	_____	_____	_____	j l. xij s. iv d.
Cuscuta, the pound	_____	_____	_____	j s.
Cyclamen or panis porcinus, the pound	_____	_____	_____	ij s.
Citrago, the pound	_____	_____	_____	j s.
Cetrach, the pound	_____	_____	_____	j s.
Cinabrum or vermilion, the pound	_____	_____	_____	ij s. vj d.
Copperas { white, the 112 pound	_____	_____	_____	ij l.
{ blew, of Danke or Hungary, the 112 pound	_____	_____	_____	xij s.
Cambogium or gutta gambæ, the pound	_____	_____	_____	ijj s. iv d.
Chrystal in broken pieces for physick uses, per lb.	_____	_____	_____	ijj s. iv d.

Carlina,

The RATES of MERCHANDIZE, that is to say, The subsidy of tonnage, the subsidy of poundage, and the subsidy of woollen cloths or old-drapery, as they are rated and agreed on by the commons house of parliament. Set down and exprest in this book, to be paid according to the tenor of the act of tonnage and poundage, from the 24th day of *June* inclusively, in the twelfth year of his Majesty's reign, during his Majesty's life, and subscribed with the hand of Sir *Harebotle Grimston* baronet, speaker of the house of commons.

11 Geo. I. c.7.

RATES INWARDS.

A

	A DZES for coopers, the dozen	—	xij. s.
	Aggets small as a beane, the C. dozen	—	xij. s. iiij. d.
	Aggets large, the piece	—	vj. d.
	Alphabets the set, containing twenty-four	—	v. s.
	Allum the hundred weight, cont. 112 pound	—	ij. l.
	Alpisti, or canary-seed, the hundred weight, containing 112 pound	—	ij. l. xv. s.
	Amber { the pound	—	ij. s. viij. d.
	{ the mast, cont. two pound and an half	—	vij. s. iiij. d.
	{ beades the pound	—	x. s.
	Anchoves, the little barrel	—	vij. s. vj. d.
	Andirons { or creepers of latten, the pound	—	j. s.
	{ of iron, the paire	—	x. s.
	Andlets, or males, the pound	—	ij. s.
	Anvils, the hundred weight, cont. 112 pounds	—	xv. s.
	Anile of Barbary, the pound	—	j. s. vj. d.
8 Geo. I. c.15.	Annotto, the pound	—	j. s.
	Apples { the bushel	—	iiij. d.
	{ the barrel, containing three bushels	—	j. s.
8 Geo. I. c.20.	{ vocat. pippins, or rinnets the barrel containing three bushels	—	ij. s.
	Aqua-vitæ { the barrel	—	ij. l. xij. s. iiij. d.
	{ the hogthead	—	iiij. l.
8 Geo. I. c.15.	Argall white and red: or powder, the hundred weight, containing 112 pound	—	j. l. ij. s. iiij. d.
	Armour old, the hundred weight, containing 112 pound	—	j. l.
	Arrowes for trunks the groce, cont. twelve dozen	—	vj. s. viij. d.
	Ashes voc { pot-ashes the barrel, containing two hundred weight	—	j. l. v. s.
10 & 11 W. 3. c. 21.	{ wood or soap-ashes the last, containing 12 barrels	—	vj. l.
	Aule-blades, the thousand	—	xij. s. iiij. d.
	Aulgers for carpenters, the groce	—	j. l.
	Axes or hatchets, the dozen	—	vj. s. viij. d.

B

Babies, or puppets for children, the groce, containing 12 dozen	—	xvij. s. x. d.
-----------------------------------------------------------------	---	----------------

Babies,

Babies heads of earth, the dozen		xij. s. iiij. d.
All other toys for children, to pay sixteen pence in twenty shillings value		
Bacon	of Iteland, the flitch	v. s.
	of Westphalia and Hamborough, of the like;	j. l. vj. s. viij. d.
	the hundred weight, cont. 112 pound	
	great the hundred, containing 120	xij. l.
Balks	middle, the hundred, containing 120	v. l.
	small, the hundred, containing 120	ij. l.
Baggs	with locks the dozen	ij. l. viij. s.
	with Steele rings without locks; the dozen	j. l. xij. s.
Balances vocat.	Gold balances the groce, containing 12 dozen pair	v. l. vj. s. viij. d.
	Ounce ballances the groce, containing 12 dozen pair	ij. l. xiiij. s. iiij. d.
	the fort containing 4 dozen	iiij. l. xj. s. ij. d.
Balls	Tennis balls, the thousand	ij. l.
	vocat. washing-balls the groce, cont. 12 dozen	ij. l.
Bandeliers the 100, containing five score		xvj. s. viij. d.
Band-strings, the dozen knots		x. s.
Bands, vocat. Flanders Bands of bone-lace the band		x. l.
Bands cutwork, of Flanders, or any other country		xx. l.
Bankers of verdure, the dozen pieces		iv. l.
Barbers aprons, or checks, the piece, not above ten yards		xiiij. s. iv. d.
Barlings the hundred, containing 120		j. l. xiiij. s. iv. d.
Barley, vide corn		
Barilla; or saphora to make glass, the barrel, containing two hundred weight		j. l.
Basket-rods, the bundle		vj. s. viij. d.
Baskets, vocat. hand baskets; of sports the dozen		iiij. s. iv. d.
Basons of latten, the pound		i. s. iv. d.
Bast	of straw-hats knotted, the dozen	vj. s. viij. d.
	of straw-hats plain, the dozen	j. s. vj. d.
Bast ropes	the rope	vj. d.
	the bundle, containing 10 ropes	v. s.
	the hundred weight, cont. 112 pound	viiij. s.
Batterie, bashrons, or kettles, the hundred weight, cont. 112 pound		ix. l.
Bayes of Florence, per yard		j. l. v. s.
Beads	of amber the pound	x. s.
	of bone, the great groce, containing 12 small groce	j. l. x. s.
	of box the great groce	j. l. x. s.
	of coral the pound	x. s.
	of christal the thousand	iiij. l.
	of glass and wood all sorts the great groce	x. s.
	of jasper square the hundred stones	ij. l.
Beaupers the piece, cont. 24 or 25 yards		j. l. v. s.
Bee	of Ireland or Scotland the barrel (a)	j. l.
	of pork of Ireland or Scotland per ton	vj. l.
Bells vocat. Hawks bells, French-making, the dozen pair		v. s.

(a) 5 Ann. c. 8.

Bells vocat.	Hawks bells, Norembourgh-making, the dozen pair,	ij. s.
	Horfe bells the small groce, cont. 12 dozen	x. s.
	Dog bells the small groce, cont. 12 dozen	j. s. iv. d.
	Morrice bells the small groce, cont. 12 dozen	v. s.
	Clapper bells the pound	j. s.
	Bell metal the hundred weight, cont. 112 pound	j. l. xiiij. s. iv. d.
	Bellows the pair	iiij. s. iv. d.
	Bits for bridles the dozen	j. l.
	Blacking or lamp-black the hundred weight, containing 112 pound	iv. l.
Blankets vocat.	Paris mantles coloured, the mantle	j. l. vi. s. viij. d.
	Paris mantles, or others uncoloured, the mantle	j. l.
Boards vocat.	barrel boards the hundred, cont. 120	v. s.
	clapboards the hundred, cont. 120 boards	xv. s.
	pastboards for books the thousand	xiiij. s. iv. d.
	pipe boards or pipe holt the hundred, containing 120 boards	j. l.
	white boards for shoemakers the board	j. s.
	Bodkins the small groce, containing 12 dozen	vj. s. viij. d.
	Bomefars the hundred, containing 120	j. l. xiiij. s. iv. d.
Boratoes or Bombafines	narrow the single piece not above 15 yards	vj. l.
	broad the single piece not above 15 yards	vij. l.
	of filk <i>vide</i> filke	
Books unbound	the basket or maund, containing 8 bales or 2 fats	vij. l.
	the fat. cont. half a maund	iv. l.
	Bosses for bridles the small groce, cont. 12 dozen	j. l.
	Botanocs per piece	x. s.
Bottles.	of earth or stone the dozen	v. s.
	of glasse covered with wicker the dozen	j. l.
	of glafs with vises covered with leather the dozen	iv. l. x. s.
	of glafs uncovered the dozen	iv. s. vj. d.
	of wood, vocat. sucking bottles the groce containing 12 dozen	x. s.
Boultel	rains the piece	vij. s.
	the bale containing twenty pieces	vij. l.
	Bowes, vocat. stone-bowes of steel, the piece	x. s.
	Bow-staves the hundred, cont. six score staves	iv. l.
Boxes	fire, or tinder-boxes the groce, containing twelve dozen boxes	j. l.
	Nest boxes the groce, containing twelve dozen nests	iiij. l.
	pepper-boxes the groce, containing 12 dozen boxes	j. l. ij. s. vj. d.
Boxes.	Spice boxes the dozen	vj. s.
	round boxes, or French boxes for marmelade or gelly, the dozen	iv. s. vj. d.
	Sand-boxes the groce, cont. 12 dozen	j. l.
	Soap-boxes the shock, containing three-score boxes	ij. l.

Boxes.	touch-boxes covered with leather, the dozen	liij. s.
	touch-boxes covered with velvet, the dozen	xv. s.
	touch-boxes of iron or other metal, guilt, the dozen	j. l.
	tobacco-boxes the groce, cont. 12 dozen	j. l. x. s.
Bracelets or Neck-laces	of glass the small groce, containing 12 bundles of dickers	iv. s.
	red the small groce, containing 12 bundles of dickers	iv. s.
Bras or	laver cocks the pound	j. s. iv. d.
	pile weights the pound	j. s.
	trumpets the dozen	xij. s.
	lampes the dozen	x. s.
Bridles the dozen		j. l.
Brouches of latten or copper, the groce containing 12 dozen		xij. s.
Brushes vocat.	beard brushes the groce, cont. 12 dozen	vj. s. viij. d.
	of heath course the dozen	ij. s.
	of heath fine, or heath brushes, the dozen	vj. s. viij. d.
	of haire-called head brushes, the dozen	vj. s. viij. d.
	of heath vocat. rubbing brushes, the dozen	j. s.
	of haire vocat. comb-brushes, the groce containing 12 dozen	xij. s. iv. d.
	of haire vocat. weavers brushes the dozen	v. s.
	of haire vocat. rubbing brushes the dozen	j. s. iv. d.
Brimstone the hundred weight, cont. 112 pound		vj. s. viij. d.
Bristles	rough or undrest the dozen pound	v. s.
	drest the dozen pound	x. s.
Buckrams	of Germany, or fine per piece	x. s.
	of the east country the roule or half-piece	v. s.
	of French-making the dozen pieces (a)	ij. l. x. s.
	vocat. Carriette buckrams the short piece	ij. s.
Buckles	for girdles the small groce, cont. 12 dozen	j. l.
	for girthes the groce, cont. 12 dozen	vij. s. vj. d.
Buffs, Mo-cadoes; and	narrow the single piece, not above fifteen yards	iiij. l.
	broad the single piece, not above fifteen yards	iv. l. x. s.
Lile Grams.		
Bugafines or calico buckrams the half piece		v. s.
Bugle	great the pound	iv. s.
	small or seed bugle the pound	vj. s. viij. d.
	lace the pound	viiij. s.
Bullions for perles the groce, containing 12 dozen		x. s.
Bull rushes the load		j. l.
Burs for millstones the hundred, containing five score		ij. l. x. s.
Buskins of leather the dozen paire		iv. l.
Bustians the single piece, not above fifteen yards		ij. l.
Butter	the barrel	j. l.
	of Ireland the hundred weight, containing 112 pounds	x. s.
Buttons of bras, steel, copper or latten, the great groce, containing twelve small groce, every groce, 12 dozen		ij. l. xij. s. iv. d.

B b 2

Buttons

Buttons	of chrystal the dozen	_____	vij. s.
	of glasse the great groce, containing twelve	_____	j. l. vi. s. viij. d.
	small groce	_____	
	of thred the great groce, containing twelve	_____	j. l.
	small groce	_____	
	of silk the great groce, containing twelve	_____	ij. l.
	small groce	_____	
	of fine damaske work the dozen	_____	j. l.
	of bugle the dozen	_____	j. s. iv. d.
	for handkerchers the groce, cont. 12 dozen	_____	iv. l.
	of haire the groce, cont. 12 dozen	_____	iv. s.

C			
	Cabinets, {	or countores small the piece	ij. l.
		or countores large the piece	iv. l.
	Cables tarred or untarred the hundred weight,	_____	
	containing 112 pound	_____	xij. s. iv. d.
	Caddas or Cruell ribband the dozen pieces,	_____	
	every piece containing 36 yards	_____	ij. l.
	Calve skins in the haire the piece	_____	x. d.
	Cabogium, <i>vide</i> Druggs	_____	
	Cameletto half silk, half haire, the yard	_____	x. s.
	Candles of tallow the pound	_____	ij. d.
	Candle plates, or wallers of brass or latten the	_____	
	pound	_____	j. s. iv. d.
	Candlesticks {	of brass or latten the pound	j. s. iv. s.
		of wire the dozen	vj. s. viij. d.
	Candleweeke the hundred weight, cont. 112	_____	
	pound	_____	ij. l. x. s.
	Callicoos fine or course the piece	_____	x. s.
	Canes or reeds the thousand	_____	ij. l. x. s.
	Canes of wood {	the dozen	iv. s.
		the shock cont. 60 canes	j. l.
	Cant sparrs the hundred, cont. six score	_____	j. l. xij. s. iv. d.
	Capers the pound	_____	vj. d.
	Capravens the hundred, cont. six score	_____	ij. l. xij. s. iv. d.
	Cap-hooks, or hooke-ends the groce, cont. 12 doz.	_____	xv. s.
Caps vocat.	{	double turfed, or cockared caps the dozen	ij. l. viij. s.
		for children the dozen	j. l.
		nightcaps of sattin and velvet the dozen	ij. l.
		nightcaps of silk knjt the dozen	iv. l.
		nightcaps of woollen the dozen	j. l.
		nightcaps of linen the dozen	viij. s.
Cards vocat.	{	playing cards the groce, containing 12	
		dozen paire	vj. l.
		wool cards old the dozen paire	vj. s.
		wool cards new the dozen paire	x. s.
Carpets vocat.	{	of Tonney the piece, containing two yards	j. l. x. s.
		and a half long	
		of Scotland the piece (b)	xij. s. iv. d.
		of Cornix the carpet two yards and a half	
		long	j. l. v. s.
		Brunfwicke carpets stript and unstript the	
		piece	x. s.
		China of cotton course the piece	iv. s.

Carpets

	Gentish the dozen	-	iiij. l.
	Turkey or Venice short the piece	-	j. l. x. s.
Carpets vocat.	Turkey or Venice long, containing four yards and upwards	}	viiij. l.
	of Persia the yard square, the yard		ij. l. v. s.
Carrells the piece, containing 15 yards	-	-	j. l. vi. s. viij. d.
	of N ^o 3 and 4 the dozen	-	iv. s.
	of N ^o 5 and 6 the dozen	-	vij. s.
Cases for look- ing glasses gilt	of N ^o 7 and 8 the dozen	-	x. s.
	of N ^o 9 and 10 and upwards the dozen	}	j. l. xiiij. s. iv. d.
	of N ^o 3 and 4 the dozen		ij. s.
Cases for looking glasses ungilt	of N ^o 5 and 6 the dozen	-	ij. s. vj. d.
	of N ^o 7 and 8 the dozen	-	v. s.
	of N ^o 9 and 10 the dozen	-	xvi. s. viij. d.
	with wooden combs garnished the dozen	-	j. l.
	with small ivorie combs garnished the do- zen	}	j. l. vj. s. viij. d.
	with middle fort. ivorie combs garnished the dozen		ij. l.
	with large ivorie combs garnished the dozen	-	iv. l.
Cases.	for combs single the groce, cont. 12 dozen	-	j. l.
	for combs double the groce, cont. 12 dozen	-	ij. l.
	for spectacles gilt the groce, containing 12 dozen	}	j. l. vj. s. viij. d.
	for spectacles ungilt the groce, cont. 12 dozen		xiiij. s. iv. d.
	for needles or pin-cases the groce, contain- ing 12 dozen	-	xiiij. s. iv. d.
	for needles French gilt the dozen	-	v. s.
Cattel	imported from Ireland into England,	}	ij. l. x. s.
	great - a-piece after the rate of		-
Caskets	of iron small the dozen	-	j. l. x. s.
	of iron middle fort. the dozen	-	ij. l. viij. s.
	of iron large, the dozen	-	iiij. l.
	of steel, the dozen	-	vj. l.
Caviare the hundred weight, cont. 112 pound	-	-	j. l.
Cauls	of linen for women, the dozen	-	viiij. s.
	of silk, the dozen	-	j. l. vj. s. viij. d.
Cestras of latten, the pound	-	-	j. s. iv. d.
Chaffing-dishes	of brass or latten, the pound	-	j. s. iv. d.
	of iron, the dozen	-	xiiij. s. iv. d.
Chains	for keys or purses, fine, the dozen	-	viiij. s.
	for dogs, course, the dozen	-	iiij. s. iv. d.
Chairs of walnut-tree, the piece	-	-	x. s.
Chamlets	unwatered or mohairs, the yard	-	iiij. s.
	watered, the yard	-	v. s.
	half silk half hair, the yard	-	x. s.
Cheese the hundred weight, cont. 112 pound	-	-	vj. s. viij. d.
Cherries the hundred weight, cont. 112 bound	-	-	j. l.
Chests-boards, the dozen	-	-	j. l.
Chest-men the groce, cont. twelve dozen	-	-	xij. s.
Chests	of iron small or middle fort the piece	-	v. l.
	of iron large the piece	-	vj. l. xiiij. s. iv. d.
	of Cyprus wood the nest, cont. three chests	-	viiij. l.

Chests	{ of spruce or danke the nest, containing }	j. l. x. s.
	{ three chests _____ }	
	_____ painted the dozen _____	ij. l.
Chimney-backs	{ small the piece _____ }	vj. s. viij.
	{ large the piece _____ }	xij. s. iiij. d.
	China pease the pound _____	ij. s. iv. d.
	Chizels for joiners, the dozen _____	iiij. s.
	Cittrerns, the dozen _____	iiij. l.
Claphoult	{ the small hundred, containing six- }	xv. s.
	{ score boards _____ }	
or	the ring, cont. two small hundred _____	j. l. x. s.
Clapboard	{ the great hundred, cont. twenty- }	xviij. l.
	{ four small hundred _____ }	
	Claricords the pair _____	xij. s. iiij. d.
	Cloakes of felt the piece _____	ij. l.
	All manner of woollen cloths imported per yard _____	vij. l. x. s.
Geo. 1. c. 15. Cochineale	{ vocat. Sylvester, or Campeachea _____ }	j. s. viij. d.
	{ cochineale the pound _____ }	
	of all sorts of cochineale, except _____	
	Sylvester and Campeache _____	
	cochineale, the pound _____	vj. s. viij. d.
Ann. c. 8. Coals of Scotland the ton _____		vj. s. viij. d.
Coffers	{ covered with gilt leather, the dozen _____ }	ij. l.
	{ covered with velvet, the dozen _____ }	iv. l.
	{ with iron bars, the nest, cont. three coffers _____ }	j. l. xij. s.
	{ plain the nest, containing three coffers _____ }	xij. s. iv. d.
	_____ painted the nest, cont. three coffers _____	xvj. s.
	Comashes out of Turkey, the piece _____	iv. l.
Combes	{ for wool the pair, old or new _____ }	v. s.
	{ of bone the pound _____ }	iv. s.
	{ of box the groce, cont. 12 dozen _____ }	x. s.
	{ voc. lightwood combes the groce, contain- }	vj. s. viij. d.
	{ ing 12 dozen _____ }	
	of horne for barbers, the dozen _____	ij. s.
	of ivory, the pound _____	x. s.
	vocat. horse-combs, the dozen _____	iv. s.
	Comfets the pound _____	ij. s.
Compasses	{ of iron for carpenters, the dozen _____ }	ij. s.
	{ of brals, the dozen _____ }	iv. s.
	{ for ships, the dozen _____ }	vij. s. vj. d.
Copper	{ unwrought bricks or plates round or square, }	x. s.
	{ the hundred weight cont. 112 pound, }	
	{ or rose copper _____ }	
	{ chaines, the chaine _____ }	ij. s.
	purles or plate the marke _____	vj. s. viij. d.
	Copperas gree the hundred weight, containing _____	xv. s.
	112 pound _____	
	Cordage or ropes tarred or untarred the hundred _____	xij. s. iiij. d.
	weight, containing 112 pound _____	
Corke tacks	{ of iron the thousand _____ }	vj. s. viij. d.
	{ of steel the thousand _____ }	j. l. xij. s. iv. d.
Corke	{ for shoemakers, the dozen pieces _____ }	iv. s.
	{ of all other sorts the hundred weight, con- }	xvj. s. viij. d.
	{ taining 112 pound _____ }	

Corn	Wheat	Wheat imported not exceeding the price of five shillings six-pence the bushel at the place of importation by the bushel	v. s.
		When it shall exceed that rate by the quarter	vj. s. viij. d.
	Rye	Imported not exceeding the price of four shillings six pence the bushel at the place of importation by the bushel	iiij. s. iv. d.
		when it shall exceed that rate by the quarter	v. s.
	Beans	Imported, not exceeding the price of three shillings six pence the bushel at the place of importation iiij. s. iiij. d. by the bushel	iiij. s. iv. d.
	Barley Malt		

When it shall exceed that rate, by the quarter - v. s.

Coverlets of Scotland, the piece - xv. s.

Counters of latin, the pound - j. s.

Croshaw { laths the pound - viij. d.

{ threed, the pound - viij. d.

{ racks, the piece - x. s.

Cruses { of stone without covers, the hundred, } x. s.

{ containing five score - j. l. vj. s. viij. d.

Cushians of Scotland, the dozen - x. s.

Cushen-cloths { coarse, the dozen - ij. l. x. s.

{ of tapestry, the dozen - iiij. l. x. s.

Cuttle bones, the thousand - j. l. vi. s. viij. d.

D

Daggs with fire locks, or snaphances, the piece - j. l.

blades, the dozen - j. l. vj. s. viij. d.

for children the dozen - iiij. s.

of bone for children the dozen - ij. s.

black, with velvet sheaths, the dozen - iiij. l.

gilt, with velvet sheaths, the dozen - iiij. l.

Meabro-deals, the hundred, cont. six-score - iiij. l.

Norway-deals, the hundred, cont. six-score - v. l.

Burgendorp-deals, the hundred, containing six-score - xij. l.

Spruce-deals, the hundred, cont. six-score - xv. l.

or stayes for books, the dozen - iiij. s.

for women to work on, covered with wool- len, the piece - v. s.

for women, covered with velvet, the piece - x. s.

Dials { of wood, the dozen - iiij. s.

{ of bone, the dozen - xij. s.

Dimity, the yard - iiij. s.

Dogs of earth, the groce, cont. twelve dozen - iiij. l.

with caddas the piece, cont. fifteen yards - j. l. x. s.

with silk the piece, cont. fifteen yards - ij. l.

with wool the piece, cont. fifteen yards - j. l. v. s.

with thred the piece, cont. fifteen yards - j. l.

Dornix	{	French-making, the ell	_____	ij. s. vj. d.
		French-making, the yard	_____	ij. s.
Dugeon, the hundred pieces, containing five-score			_____	j. l.
Durance or	{	with thred, the yard	_____	vj. s. viij. d.
		with filk, the yard	_____	x. s.
Duretty			_____	j. l.
Dutties, the piece			_____	iiij. s.
Acacia, the pound			_____	j. s.
Acorus, the pound			_____	vij. d.
Adiantum album, the pound			_____	vj. d.
Adiantum nigrum, the pound			_____	j. l.
Agaricus or agarick, trim'd or pared, the pound			_____	v. s.
Agaricus rough or untrim'd, the pound			_____	j. s.
Agnus castus seeds, the pound			_____	j. s.
Alkanet roots, the pound			_____	vj. s. viij. d.
Alchernea	{	syrrap the pound	_____	iiij. s.
		confectio, the ounce	_____	v. s.
Aloes-cicotrina, the pound			_____	ij. s.
Aloes-epatica, the pound			_____	j. l.
Allum ronish or roch, the hundred, containing 112 pound			_____	iiij. l.
Ambergreece black or grey, the ounce troy			_____	vij. d.
Ameos seed, the pound			_____	vij. d.
Amomi seeds, the pound			_____	iiij. s. iiij. d.
Anacardium, the pound			_____	j. s.
Angelica, the pound			_____	j. l.
Antimonium crudum, the hundred weight, containing 112 pound			_____	iiij. d.
Antimonium preparatum or stibium, the pound			_____	iiij. s.
Argentum sublimè or limum, the pound, or quicksilver			_____	j. s. iiij. d.
Aristolochia longa and rotunda, the pound			_____	iiij. d.
Arnick white or yellow, or rosalger, the pound			_____	j. s.
Asarum roots, the pound			_____	j. s. vj. d.
Aspalathus, the pound			_____	j. s. ij. d.
Asia fetida, the pound			_____	ij. l.
Almonds bitter, the hundred weight, containing 112 pound			_____	j. s.
Alumen plume, the pound			_____	ij. s. vj. d.
Balaustium, the pound			_____	iiij. s. iiij. d.
Balsamum artificial, the pound			_____	x. s.
Balsamum natural, the pound			_____	xiiij. s. iiij. d.
Bayberries, the 112 pound			_____	j. l.
Barley huld or French barley, the 112 pound (a)			_____	ij. s.
Bdellium, the pound			_____	ij. s.
Benalbum or rubrum, the pound			_____	v. s.
Benjamin of all sorts, the pound			_____	iiij. l.
Bçazer stone of the East-India, the ounce troy			_____	

Drugs-vocat.

Geo. I. c. 15.

Drugs vocat.

Drugs

Beazer stone of the West-India, the ounce	tro	xs.
Black leade, the 112 pound		jl. xs.
Blata Bizantia, the pound		ij s.
Bolus communis, or armoniacus, the hundred weight, cont. 112 pound		vj s. viij d.
Bolus verus the pound, or fine bole		vij d.
Borax in paffe or unrefined, commonly called Tincull, the pound		ij s. iv d.
Borax refined, the pound		xij s. iij d.
Bunkins, holiwortles or pistolachia, the pound		ij s. vj d.
Callamus, the pound		vij d.
Camphire refined, the pound		vs.
Camphire unrefined, the pound		ij s. vj d.
Cancri oculus, the pound		ivs.
Cantarides, the pound		vs.
Caraway seeds, the 112 pound		jl. iv s.
Cardamomes, the pound		ij s.
Carpo balsami, the pound		ivs.
Carrabe, or succinum, the pound		js.
Carthamus seeds, the pound		vij d.
Cassia fistula, the pound, of all sorts		js. vj d.
Cassia lignea, the pound		js. vij d.
Castoreum or bevor cods, the pound		xs.
Cerussa, the 112 pound		jl. xs.
China roots, the pound		vj s. viij d.
Ciceres white and red, the pound		vj d.
Ciperus longus & rotundus, the 112 pound		jl. xij s. iv d.
Ciperus nuts, the pound		vij d.
Civet, the ounce tro		ij l.
Coculus Indiae, the pound		ij s.
Coloquintida, the pound		ij s.
Coral, red or white in fragments, for physick use, the pound		ij s. iv d.
Coral whole, the pound		jl.
Coriander seeds, the one hundred and twelve pound		jl.
Cortex guaci, the 112 pound		ij l.
Cortex caperum, the pound		js.
Cortex tamerisci, the pound		vij d.
Cortex mandragoræ, the pound		ij s.
Coscus dulcis and amarus, the pound		js. viij d.
Cubebs, the pound		js. iv d.
Cumminseed, the 112 pound		jl. xij s. iv d.
Cuscuta, the pound		js.
Cyclamen or panis porcinus, the pound		ij s.
Citrago, the pound		js.
Cetrach, the pound		js.
Cinabrum or vermilion, the pound		ij s. vj d.
Copperas { white, the 112 pound		ij l.
{ blew, of Danke or Hungary, the 112 pound		xij s.
Cambogium or gutta gambæ, the pound		ij s. iv d.
Chrystal in broken pieces for physick uses, per lb.		ij s. iv d.

Drugs vocat.

Carlina, the pound	j s.
Carolina the pound	iv d.
Cortex winteranus, the pound	vij d.
Daucus creticus, the pound	iv s.
Diagredium or scamony, the pound	j l.
Diptamus, { leaves, the pound	j s.
{ roots, the pound	j s. vj d.
Dryonicum, the pound	j s. vj d.
Eleborus albus and niger, the pound	vij d.
Epithemum, the pound	j s.
Es astum, the pound	j s. iv d.
Euphorbium, the pound	vij d.
Fennel seeds, the pound	vj d.
Fenugreek, the 112 pound	xv s.
Flory, the pound	ij s.
Folium Indiar, the pound	v s.
Fox lungs, the pound	ij s.
Frankincense of France or Parrofin, the 112 pound	xij s.
Galbanum, the pound	j s. vj d.
Galanga, the pound	j s. vj d.
Generall the pound	j s. iv d.
Gentiana, the pound	vj d.
Ginny pepper, the pound	j s.
Grana pine, the pound	j s.
Green ginger, the pound	ij s.
Gum amiri, the pound	j s.
Gum armoniack, the pound	j s.
Gum caranna, the pound	iv s.
Gum tragacant, the pound	j s.
Gum elemi, the pound	x d.
Gum hederæ, the pound	iv s.
Gum laek, the pound (a)	j s.
Gum opopanax, the pound	vis. vij d.
Gum sarcocol, the pound	j s. vjd.
Gum serapinum the pound, or sagapehum	j s. vjd.
Gum taccamahaccæ; the pound	iv s.
Grana tinctorum	ij s. vj d.
Grains of Guiney or French grains, the 112 pound	j l. x s.
Gum Arabeck, or gum Seneca, the hundred and twelve pound	j l. s.
Gum sandrake, or gum juniperi, the hundred and twelve pound	j l. viij s.
Gum guiaci, the pound	iv s.
Gum caramen, the pound	vj d.
Hermodactilus, the pound	ij s.
Hypocistis, the pound	ij s.
Horns of harts or stags, the hundred	j l. x s.
Incense or olibanum, the 112 pound	v l.
Ireos, the 112 pound	ij l. x s.
Isonglass, the 112 pound (a)	v l.
Jujubes, the pound	j s.
Jolop, the pound	iv s.
Juniper berries, the 112 pound	j l.

Drugs vocat.

Labdanum

Labadanum or Lapadonum, the pound	j s.
Lapis Callaminaris, the 112 pound	xvj s. viij.
Lapis Hematiticus, the pound	j s.
Lapis judaicus, the pound	j s.
Lapis lazuli, the pound	x s.
Lapis turtia, the pound	j s.
Leaves of roses, the pound	j s.
Leaves of violet or flowers, the pound	vij d.
Lyttiscus or xylobalsamum, the pound	j s. viij d.
Lignum aloes, the pound	x s.
Lignum asphaltum, the pound	j s.
Lignum thodiam, the 112 pound	x s.
Lignum vite, the 112 pound	x s.
Litharge of gold, the 112 pound	xij s.
Litharge of silver, the 112 pound	x s.
Locust, the pound	j s. iij d.
Lupines, the 112 pound	x s.
Lentills, the pound	iij d.
Lapis contrayerva, the ounce	v s.
Lignum nephreticum, the pound	iv s.
Madder roots, or rubea tinctorum, the } pound (a)	j s.
Manna, the pound	j s. vj d.
Marmelade, the pound	j s.
Mastick white, the pound	iij s. iv d.
Mastick red, the pound	j s.
Mechoacan, the pound	iij s. vj d.
Mercury sublimat. the pound	iij s.
Mercury præcipitat. the pound	vj s. viij d.
Methridate Venetia, the pound	x s.
Millium folis, the pound	j s.
Mirabolanes dry, the pound	j s.
Mirabolanes, condited the pound	j s. viij d.
Mirtle berries the pound	j s.
Mumma, the pound	j s.
Muske, the ounce troy	iij l.
Muske cods, the dozen	iij l.
Myrrha, the pound	iij s.
Nygella, the pound	vij d.
Nytrum, the pound	iij s.
Nutmegs condited, the pound	iv s.
Nux de benne, the pound	j s.
Nux cupressi, the pound	vij d.
Nux indica, the piece	vj d.
Nux vomica, the pound	vij d.
Nardus Celtica, or Spica Romana, the } 112 pound	v l. xij s.
Nux pini or grana pini, the pound	j s.
Olibanum or incense, the 112 pound	v l.
Opium, the pound	x s.
Opium huirredem, the pound	vj d.
Orcant or almet, the pound	j s.
Oringe flower ointment, the pound	iij s. vj d.
Oringe flower water, the gallon	v s.
Origanum, the pound	vij d.

Ossa

§ Geo. 1. c. 15.

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Drugs vocat.

Osfa de corde cervi, the pound	—	ij l.
Oyle of amber, the pound	—	x s.
Oyle of rosemary, the pound	—	vij s.
Oyle de bay, the 112 pound	—	ij l.
Oyle of mace or nutmegs, the pound	—	v s.
Oyle de ben, the pound	—	v s. viij d.
Oyle of spike, the pound	—	j s. viij d.
Oyle of almonds, the pound	—	j s.
Oyle de scorpions, the pound	—	ij s. viij d.
Oleum petrolium, the pound	—	j s. viij d.
Oleum turpentine, the pound	—	vj d.
Orabus, the pound	—	vj d.
Orpment or auripigmentum, the 112 pound	—	ij l.
Panther, the pound	—	iv l.
Panis porcinnus, <i>vide cyclamen</i>	—	—
Pearle beaten, the ounce troy	—	ij s. iv d.
Pellitorie, the pound	—	vj d.
Pepper long, the pound	—	j s.
Perrosen, <i>vide frankincense</i>	—	—
Piony seeds, the pound	—	vij d.
Pistachias or nux pistachiz, the pound	—	j s.
Pix Burgundiz, the 112 pound	—	xv s.
Polium montanum, the pound	—	vij d.
Polipodium, the pound	—	iv d.
Pomegranet pills, the 112 pound	—	ij l.
Poppie seeds, the pound	—	vij d.
Præcipitate, <i>vide mercurie præcipitate</i>	—	—
Psyllium, the pound	—	vij d.
Prunellaies or pruans of Brunolia, the pound	—	j s.
Quicksilver, <i>vide argentum vivum</i>	—	—
Rhapontikum, the pound	—	xij s. iv d.
Radix esule, the pound	—	j s.
Recllead, the 112 pound	—	xv s. viij d.
Rhabarbarum or rubarbe, the pound	—	jl.
Rosalger, the pound, <i>vide arsnick</i>	—	—
Rosset, the pound	—	vj d.
Radix contra yerva, the pound	—	ij s. iv d.
Radix scorpionera, the pound	—	ij s. iv d.
Radix geonæ, the pound	—	vij d.
Sal alkali, the pound	—	iv s.
Sal armoniacum, the pound	—	j s. viij d.
Sal gem, the pound	—	vij d.
Sal niter, the pound	—	j s. vj d.
Sandracha or gum sandracha, or gum juniperi the hundred and twelve pound	—	jl. viij s.
Sandiver, the 112 pound	—	x s.
Sanguis draconis, the pound	—	ij s. iv d.
Sariaparilla, the pound	—	ij s. iv d.
Sassafras wood or roots, the hundred and twelve pound	—	jl.
Saunders white, the pound	—	j s.
Saunders yellow, the pound	—	ij s.
Saunders red alias stock, the 112 pound	—	iiij l.
Scamonie, <i>vide diagredium</i>	—	—
Scincus marinus the piece	—	iiij d.

Scordium,

Drugs vocat.

Scordium, the pound	_____	_____	vj d.
Scorpions, the piece	_____	_____	iiij d.
Sebestines, the pound	_____	_____	js.
Seeds for gardens of all sorts, the pound	_____	_____	viiij d.
Seler montanus, the pound	_____	_____	viiij d.
Semen cucumeris, cucurb. citrul. melon the lb.	_____	_____	viiij d.
Sena, the pound	_____	_____	ij s. vjd.
Soldonefia, the pound	_____	_____	viiij d.
Sperma cæti fine, the pound	_____	_____	vs.
Sperma cæti course oylie, the 112 pound	_____	_____	iiij l.
Spica celtica, vide nardus celtica, or spica } Romana	_____	_____	
Sanguis hirci, the pound	_____	_____	js.
Spicknard, the pound	_____	_____	vj s. viij d.
Spodium, the pound	_____	_____	js. vjd.
Spunges, the pound	_____	_____	iiij s. iv d.
Squilla, the 112 pound	_____	_____	jl. vs.
Squinanthum, the pound	_____	_____	iiij s. iv d.
Stechados, the pound	_____	_____	xd.
Staphisager, the 112 pound	_____	_____	ij l.
Stibium, vide antimonium preparatum	_____	_____	
Storax calamita, the pound	_____	_____	vs.
Storax liquida, the pound	_____	_____	js.
Succus liquiritiæ, the pound	_____	_____	js.
Sulphur vivum, the pound	_____	_____	viiij d.
Tamarindes, the pound	_____	_____	xd.
Terra lemnia, the pound	_____	_____	vs.
Terra figillata, the pound	_____	_____	iiij s.
Thlaspii semen, the pound	_____	_____	js.
Tornfall, the pound	_____	_____	viiij d.
Trocisci de vipera, the ounce troy	_____	_____	vs.
Treacle common, the pound	_____	_____	ij s.
Treacle of Venice, the pound	_____	_____	xs.
Turbith, the pound	_____	_____	vs.
Turbith thapsiæ, the pound	_____	_____	ii s.
Turmerick, the pound	_____	_____	js.
Turpentine of Venice, Scio or Cyprus the } pound	_____	_____	js. viij d.
Turpentine common, the 112 pound	_____	_____	xs.
Talke white, the pound	_____	_____	vj d.
Talke green, the pound	_____	_____	ij s.
Yerdigreece, the pound	_____	_____	js. viij d.
Vernish, the 112 pound	_____	_____	ij l.
Vermillion, vide cinabrium	_____	_____	
Vitriolum romanum, the pound	_____	_____	js.
Vmber, the hundred weight, cont. 112 pound	_____	_____	jl.
Viscus quercinus, the pound	_____	_____	iv s.
White lead, the 112 pound	_____	_____	jl.
Wormseeds, the pound	_____	_____	iiij s. iv d.
Zedoaria, the pound	_____	_____	iiij s. iv d.
Xylobalsamum, vide lentiscus	_____	_____	

2 Geo. I. c. 15.

2 Geo. I. c. 15.

All drugs imported directly from the place of their growth in English-built shipping, to be rated one third part of what is charged in the book of rates, and no more.

Diamonds, pearls, precious stones and jewels, the } hundred pound value

6 Geo. 2. c. 7.

Earlings,

Buttons	of chrystal the dozen	_____	vij. s.
	of glasse the great groce, containing twelve	_____	j. l. vi. s. viij. d.
	small groce	_____	j. l.
	of thred the great groce, containing twelve	_____	j. l.
	small groce	_____	j. l.
	of silk the great groce, containing twelve	_____	ij. l.
	small groce	_____	ij. l.
	of fine damafke work the dozen	_____	j. l.
	of bugle the dozen	_____	j. s. iv. d.
	for handkerchers the groce, cont. 12 dozen	_____	iv. l.
	of haire the groce, cont. 12 dozen	_____	iv. s.

C

Cabinets,	{ or countores small the piece	_____	ij. l.
	{ or countores large the piece	_____	iv. l.
Cables tarred or untarred the hundred weight,	containing 112 pound	_____	xij. s. iv. d.
	every piece containing 36 yards	_____	ij. l.
Caddas or Cruell ribband the dozen pieces,	_____		x. d.
Calve skins in the haire the piece	_____		x. d.
Cabogium, <i>vide</i> Druggs	_____		x. s.
Cameletto half silk, half haire, the yard	_____		ij. d.
Candles of tallow the pound	_____		j. s. iv. d.
Candle plates, or wallers of brass or latten the	_____		j. s. iv. d.
Candlesticks	{ of brass or latten the pound	_____	j. s. iv. s.
	{ of wire the dozen	_____	vj. s. viij. d.
Candleweeke the hundred weight, cont. 112	_____		ij. l. x. s.
Callicoese fine or course the piece	_____		x. s.
Canes or reeds the thousand	_____		ij. l. x. s.
Canes of wood	{ the dozen	_____	iv. s.
	{ the shock cont. 60 canes	_____	j. l.
Cant spars the hundred, cont. six score	_____		j. l. xij. s. iv. d.
Capers the pound	_____		vj. d.
Capravens the hundred, cont. six score	_____		ij. l. xij. s. iv. d.
Cap-hooques, or hooke-ends the groce, cont. 12 doz.	_____		xv. s.
Caps vocat.	double turfed, or cockared caps the dozen	_____	ij. l. viij. s.
	for children the dozen	_____	j. l.
	nightcaps of sattin and velvet the dozen	_____	ij. l.
	nightcaps of silk knjt the dozen	_____	iv. l.
	nightcaps of woollen the dozen	_____	j. l.
Cards	nightcaps of linen the dozen	_____	vij. s.
	playing cards the groce, containing 12	_____	vj. l.
Cards vocat.	dozen paire	_____	vj. s.
	wool cards old the dozen paire	_____	x. s.
Carpets vocat.	wool cards new the dozen paire	_____	j. l. x. s.
	of Tonney the piece, containing two yards	_____	xij. s. iv. d.
	and a half long	_____	j. l. v. s.
	of Scotland the piece (b)	_____	x. s.
	of Cornix the carpet two yards and a half	_____	_____
	long	_____	_____
Carpets vocat.	Brunswicke carpets stript and unstript the	_____	_____
	piece	_____	_____
	China of cotton course the piece	_____	iv. s.

Carpets

Carpets vocat.	Gentish the dozen	-	iiij. l.
	Turkey or Venice short the piece	-	j. l. x. s.
	Turkey or Venice long, containing four yards and upwards	-	viiij. l.
	of Persia the yard square, the yard	-	ij. l. v. s.
Carrells the piece, containing 15 yards	-	-	j. l. vi. s. viij. d.
Cafes for look- ing glasses gilt	of N ^o 3 and 4 the dozen	-	iv. s.
	of N ^o 5 and 6 the dozen	-	vij. s.
	of N ^o 7 and 8 the dozen	-	x. s.
	of N ^o 9 and 10 and upwards the dozen	-	j. l. xij. s. iv. d.
Cafes for looking glasses ungilt	of N ^o 3 and 4 the dozen	-	ij. s.
	of N ^o 5 and 6 the dozen	-	iiij. s. vj. d.
	of N ^o 7 and 8 the dozen	-	v. s.
	of N ^o 9 and 10 the dozen	-	xvi. s. viij. d.
Cafes.	with wooden combs garnished the dozen	-	j. l.
	with small ivorie combs garnished the do- zen	-	j. l. vj. s. viij. d.
	with middle fort ivorie combs garnished the dozen	-	ij. l.
	with large ivorie combs garnished the dozen	-	iv. l.
	for combs single the groce, cont. 12 dozen	-	j. l.
	for combs double the groce, cont. 12 dozen	-	ij. l.
	for spectacles gilt the groce, containing 12 dozen	-	j. l. vj. s. viij. d.
	for spectacles ungilt the groce, cont. 12 dozen	-	xij. s. iv. d.
	for needles or pin-cafes the groce, contain- ing 12 dozen	-	xij. s. iv. d.
	for needles French gilt the dozen	-	v. s.
Cattel	imported from Ireland into England,	-	ij. l. x. s.
great	a-piece after the rate of	-	-
Caskets	of iron small the dozen	-	j. l. x. s.
	of iron middle fort, the dozen	-	ij. l. viij. s.
	of iron large, the dozen	-	iiij. l.
	of steel, the dozen	-	vj. l.
Caviare the hundred weight, cont. 112 pound	-	-	j. l.
Cauls	of linen for women, the dozen	-	viiij. s.
	of silk, the dozen	-	j. l. vj. s. viij. d.
Cestras of latten, the pound	-	-	j. s. iv. d.
Chaffing-dishes	of brass or latten, the pound	-	j. s. iv. d.
	of iron, the dozen	-	xij. s. iv. d.
Chains	for keys or purses, fine, the dozen	-	viiij. s.
	for dogs, course, the dozen	-	iiij. s. iv. d.
Chairs of walnut-tree, the piece	-	-	x. s.
Chamlets	unwatered or mohairs, the yard	-	iiij. s.
	watered, the yard	-	v. s.
	half silk half hair, the yard	-	x. s.
Cheese the hundred weight, cont. 112 pound	-	-	vj. s. viij. d.
Cherries the hundred weight, cont. 112 bound	-	-	j. l.
Chests-boards, the dozen	-	-	j. l.
Chests-men the groce, cont. twelve dozen	-	-	xij. s.
Chests	of iron small or middle fort the piece	-	v. l.
	of iron large the piece	-	vj. l. xij. s. iv. d.
	of Cyprus wood the nest, cont. three chests	-	viiij. l.

Chests	{ of spruce or danke the nest, containing three chests	j. l. x. s.
	{ painted the dozen	ij. l.
Chimney-backs	{ small the piece	vj. s. viij.
	{ large the piece	xij. s. iij. d.
China pease the pound		ij. s. iv. d.
Chizels for joiners, the dozen		ij. s.
Citerns, the dozen		ij. l.
Claphoult	{ the small hundred, containing six score boards	xv. s.
	{ the ring, cont. two small hundred	j. l. x. s.
Clapboard	{ the great hundred, cont. twenty four small hundred	xviii. l.
Claricords the pair		xij. s. iij. d.
Cloakes of felt the piece		ij. l.
All manner of woollen cloths imported per yard	{ vocat. Sylvester, or Campeache	vij. l. x. s.
	{ cocheneale the pound	j. s. viij. d.
	{ of all sorts of cocheneals except Sylvester and Campeache cocheneale, the pound	vj. s. viij. d.
Coals of Scotland the ton		vj. s. viij. d.
Coffers	{ covered with gilt leather, the dozen	ij. l.
	{ covered with velvet, the dozen	iv. l.
	{ with iron bars, the nest, cont. three coffers plain the nest, containing three coffers	j. l. xij. s.
	{ painted the nest, cont. three coffers	xij. s. iv. d.
Comashes out of Turkey, the piece		iv. s.
Combs	{ for wool the pair, old or new	v. s.
	{ of bone the pound	iv. s.
	{ of box the groce, cont. 12 dozen	x. s.
	{ vocat. lightwood combs the groce, containing 12 dozen	vj. s. viij. d.
	{ of horne for barbers, the dozen	ij. s.
	{ of ivory, the pound	x. s.
Combs	{ vocat. horse-combs, the dozen	iv. s.
Comfets the pound		ij. s.
Compassies	{ of iron for carpenters, the dozen	ij. s.
	{ of brass, the dozen	iv. s.
	{ for ships, the dozen	vij. s. vj. d.
Copper	{ unwrought bricks or plates round or square, the hundred weight cont. 112 pound	x. s.
	{ or rose copper	
	{ chaines, the chaine	ij. s.
	{ purples or plate the marke	vj. s. viij. d.
Copperas green the hundred weight, containing 112 pound		xv. s.
Cordage or ropes tarred or untarred the hundred weight, containing 112 pound		xij. s. iij. d.
Corke tacks	{ of iron the thousand	vj. s. viij. d.
	{ of steel the thousand	j. l. xij. s. iv. d.
Corte	{ for shoemakers, the dozen pieces	iv. s.
	{ of all other sorts the hundred weight, containing 112 pound	xvj. s. viij. d.

Corn	Wheat	Wheat imported not exceeding the price of five shillings six-pence the bushel at the place of importation by the bushel	v. s.	
		When it shall exceed that rate by the quarter	vj. s. viij. d.	
	Rye	Imported not exceeding the price of four shillings six pence the bushel at the place of importation by the bushel	iiij. s. iv. d.	
		when it shall exceed that rate by the quarter	v. s.	
	Beans	Imported, not exceeding the price of three shillings six pence the bushel at the place of importation iiij. s. iiij. d. by the bushel	iiij. s. iv. d.	
		Barley		
	Malt			
	When it shall exceed that rate, by the quarter			v. s.
	Coverlets of Scotland, the piece			xv. s.
Counters of latin, the pound			j. s.	
Crosbow	laths the pound		vij. d.	
	threed, the pound		vij. d.	
	racks, the piece		x. s.	
Cruses	of stone without covers, the hundred, containing five score		x. s.	
	of stone with covers, the hund. cont. 5 score		j. l. vj. s. viij. d.	
Cushians of Scotland, the dozen			x. s.	
Cushen-cloths	course, the dozen		ij. l. x. s.	
	of tapestry, the dozen		iiij. l. x. s.	
Cuttle bones, the thousand			j. l. vi. s. viij. d.	

5 Ann. c. 8.

5 Ann. c. 8.

D

Dags	Daggers	Daggs with fire locks, or snaphances, the piece	j. l.
		blades, the dozen	j. l. vj. s. viij. d.
		for children the dozen	iiij. s.
		of bone for children the dozen	ij. s.
		black, with velvet sheaths, the dozen	iiij. l.
		gilt, with velvet sheaths, the dozen	iiij. l.
		Meabro-deals, the hundred, cont. six-score	iiij. l.
		Norway-deals, the hundred, cont. six-score	v. l.
		Burgendorp-deals, the hundred, containing six-score	xij. l.
		Spruce-deals, the hundred, cont. six-score	xv. l.
Decks	Deales voc.	or staves for books, the dozen	iiij. s.
		for women to work on, covered with wool- len, the piece	v. s.
		for women, covered with velvet, the piece	x. s.
Dials	{ of wood, the dozen	iiij. s.	
	{ of bone, the dozen	xij. s.	
Dimity,	the yard	iiij. s.	
Dogs of earth,	the groce, cont. twelve dozen	iiij. l.	
Dornix	{	with caddas the piece, cont. fifteen yards	j. l. x. s.
		with silk the piece, cont. fifteen yards	ij. l.
		with wool the piece, cont. fifteen yards	j. l. v. s.
		with thred the piece, cont. fifteen yards	j. l.

Dornix	French-making, the ell	_____	ij. s. vj. d.
	French-making, the yard	_____	ij. s.
	Dugeon, the hundred pieces, containing five-score	_____	j. l.
Durance or	with thred, the yard	_____	vj. s. viij. d.
	Duretty with filk, the yard	_____	x. s.
Dutties, the piece		_____	j. l.
Acacia, the pound		_____	iiij. s.
Acorus, the pound		_____	j. s.
Adiantum album, the pound		_____	vij. d.
Adiantum nigrum, the pound		_____	vij. d.
Agaricus or agarick, trim'd or pared, the pound		_____	j. l.
Agaricus rough or untrim'd, the pound		_____	v. s.
Agnus castus seeds, the pound		_____	j. s.
Alkanet roots, the pound		_____	j. s.
Alcherne	syrrap the pound	_____	vj. s. viij. d.
	confectio, the ounce	_____	iiij. s.
Aloes-cicotrina, the pound		_____	v. s.
Aloes-epatica, the pound		_____	ij. s.
Allum ronish or roch, the hundred, containing 112 pound		_____	j. l.
Ambergreece black or grey, the ounce troy		_____	iiij. l.
Ameos seed, the pound		_____	vij. d.
Amomi seeds, the pound		_____	vij. d.
Anacardium, the pound		_____	iijs. iiij. d.
Angelica, the pound		_____	j. s.
Antimonium crudum, the hundred weight, containing 112 pound		_____	j. l.
Antimonium preparatum or stibium, the pound		_____	vij. d.
Argentum sublime or limum, the pound, or quicksilver		_____	iiij. s.
Aristolochia longa and rotunda, the pound		_____	j. s. iiij. d.
Arnick white or yellow, or rosalger, the pound		_____	iiij. d.
Afarum roots, the pound		_____	j. s.
Aspalathus, the pound		_____	j. s. vj. d.
Asia fetida, the pound		_____	j. s. ij. d.
Almonds bitter, the hundred weight, containing 112 pound		_____	ij. l.
Alumen plume, the pound		_____	j. s.
Balaustium, the pound		_____	ij. s. vj. d.
Balsamum artificial, the pound		_____	iiij. s. iiij. d.
Balsamum natural, the pound		_____	x. s.
Bayberries, the 112 pound		_____	xij. s. iiij. d.
Barley huld or French barley, the 112 pound (a)		_____	j. l.
Bdelium, the pound		_____	ij. s. vj. d.
Benalbum or rubrum, the pound		_____	ij. s.
Benjamin of all sorts, the pound		_____	v. s.
Bezazer stone of the East-India, the ounce troy		_____	iiij. l.

Druggs-vocat.

Druggs

Beazer stone of the West-India, the ounce	_____	x s.
troy —————	_____	
Black leade, the 112 pound	_____	jl. x s.
Blata Bizantia, the pound	_____	ij s.
Bolus communis, or armoniacus, the hundred weight, cont. 112 pound	_____	vj s. viij d.
Bolus verus the pound, or fine bole	_____	vij d.
Borax in paffe or unrefined, commonly called Tinckull, the pound	_____	ij s. iv d.
Borax refined, the pound	_____	xij s. iiij d.
Bunkins, holiwortles or pistolachia, the pound	_____	ij s. vj d.
Callamus, the pound	_____	vij d.
Camphire refined, the pound	_____	v s.
Camphire unrefined, the pound	_____	ij s. vj d.
Cancri oculus, the pound	_____	iv s.
Cantarides, the pound	_____	v s.
Caraway seeds, the 112 pound	_____	jl. iv s.
Cardamomes, the pound	_____	ij s.
Carpo balsami, the pound	_____	iv s.
Carrabe, or succinum, the pound	_____	j s.
Carthamus seeds, the pound	_____	vij d.
Cassia fistula, the pound, of all sorts	_____	j s. vj d.
Cassia lignea, the pound	_____	j s. viij d.
Castoreum or bevor cods, the pound	_____	x s.
Cerussa, the 112 pound	_____	jl. x s.
China roots, the pound	_____	vj s. viij d.
Ciceres white and red, the pound	_____	vj d.
Ciperus longus & rotundus, the 112 pound	_____	jl. xij s. iv d.
Ciperus nuts, the pound	_____	vij. d.
Civet, the ounce troy	_____	ij l.
Coculus Indiz, the pound	_____	ij s.
Coloquintida, the pound	_____	ij s.
Coral, red or white in fragments, for physick use, the pound	_____	ij s. iv d.
Coral whole, the pound	_____	jl.
Coriander seeds, the one hundred and twelve pound	_____	j l.
Cortex guaci, the 112 pound	_____	ij l.
Cortex caperum, the pound	_____	j s.
Cortex tamerisçi, the pound	_____	vij d.
Cortex mandragoræ, the pound	_____	ij s.
Cofcus dulcis and amarus, the pound	_____	j s. viij d.
Cubebs, the pound	_____	j s. iv d.
Cumminseed, the 112 pound	_____	jl. xij s. iv d.
Cuscuta, the pound	_____	j s.
Cyclamen or panis porcinus, the pound	_____	ij s.
Citrago, the pound	_____	j s.
Cetrach, the pound	_____	j s.
Cinabrum or vermillion, the pound	_____	ij s. vj d.
Copperas { white, the 112 pound	_____	ij l.
{ blew, of Danke or Hungary, } the 112 pound	_____	xij s.
Cambogium or gutta gambæ, the pound	_____	ij s. iv d.
Chrystal in broken pieces for physick uses, per lb.	_____	ij s. iv d.

Carlina, the pound	j s.
Carolina the pound	iv d.
Cortex winteranus, the pound	vij d.
Daucus creticus, the pound	iv s.
Diagredium or scamony, the pound	j l.
Diptamus { leaves, the pound	j s.
{ roots, the pound	j s. vj d.
Dryonicum, the pound	j s. vj d.
Eleborus albus and niger, the pound	vij d.
Epithemum, the pound	j s.
Es autumn, the pound	j s. iv d.
Euphorbium, the pound	vij d.
Fennel seeds, the pound	vj d.
Fenugreek, the 112 pound	xv s.
Flory, the pound	ij s.
Folium Indiar, the pound	v s.
Fox lungs, the pound	ij s.
Frankincense of France or Parroim, the 112 pound	xij s.
Galbanum, the pound	j s. vj d.
Galanga, the pound	j s. vj d.
Generall the pound	j s. iv d.
Gentiana, the pound	vj d.
Ginty pepper, the pound	j s.
Grana pinæ, the pound	j s.
Green ginger, the pound	ij s.
Gum anisi, the pound	j s.
Gum armoniack, the pound	j s.
Gum caranæ, the pound	iv s.
Gum tragacant, the pound	j s.
Gum elemi, the pound	x d.
Gum hederæ, the pound	iv s.
Gum iack, the pound (a)	j s.
Gum opopanax, the pound	vis. viij d.
Gum sarcocol, the pound	j s. vj d.
Gum serapinum the pound, or sagapehum	j s. vj d.
Gum taccamahaccæ; the pound	iv s.
Grana tinctorum	ij s. vj d.
Grains of Guiney or French grains, the 112 pound	j l. x s.
Gum Arabeck, or gum Seneca, the hundred and twelve pound	j l. s.
Gum sandrake, or gum juniperi, the hundred and twelve pound	j l. viij s.
Gum guiaci, the pound	iv s.
Gum cament, the pound	vj d.
Hermodactylus, the pound	ij s.
Hypocistis, the pound	ij s.
Horns of harts or stags, the hundred	j l. x s.
Incense or olibanum, the 112 pound	v l.
Ireos, the 112 pound	ij l. x s.
Isonglafs, the 112 pound (a)	v l.
Jujubes, the pound	j s.
Jolop, the pound	iv s.
Juniper berries, the 112 pound	j l.

Drugs vocat.

Labdanum

Labdanum or Lapadonum, the pound	—	j s.
Lapis Callaminaris, the 112 pound	—	xvj s. viij.
Lapis Hematitidis, the pound	—	j s.
Lapis judaicus, the pound	—	j s.
Lapis lazuli, the pound	—	x s.
Lapis tutia, the pound	—	j s.
Leaves of roses, the pound	—	j s.
of violet or flowers, the pound	—	vij d.
Lyttiscus or xylobalsamum, the pound	—	j s. viij d.
Lignum aloes, the pound	—	x s.
Lignum asphaltum, the pound	—	j s.
Lignum rhodium, the 112 pound	—	x s.
Lignum vite, the 112 pound	—	x s.
Litharge of gold, the 112 pound	—	xij s.
Litharge of silver, the 112 pound	—	x s.
Locust, the pound	—	j s. iij d.
Lupines, the 112 pound	—	x s.
Lentills, the pound	—	iij d.
Lapis contrayerva, the ounce	—	v s.
Lignum nephreticum, the pound	—	iv s.
Madder roots, or rubea tinctorum, the } pound (a)	—	j s.
Manna, the pound	—	j s. vj d.
Marmelade, the pound	—	j s.
Mastick white, the pound	—	iij s. iv d.
Mastick red, the pound	—	j s.
Mechoacan, the pound	—	iij s. vj d.
Mercury sublimat. the pound	—	iij s.
Mercury precipitat. the pound	—	vj s. viij d.
Methridate Venetia, the pound	—	x s.
Millium solis, the pound	—	j s.
Mirabolanes dry, the pound	—	j s.
Mirabolanes, condited the pound	—	j s. viij d.
Mirtle berries the pound	—	j s.
Mumma, the pound	—	fb.
Muske, the ounce troy	—	ij l.
Muske cods, the dozen	—	ij l.
Myrrha, the pound	—	iij s.
Nygella, the pound	—	vij d.
Nytrum, the pound	—	iij s.
Nutmegs condited, the pound	—	iv s.
Nux de benne, the pound	—	j s.
Nux cupressi, the pound	—	vij d.
Nux indica, the piece	—	vj d.
Nux vomica, the pound	—	vij d.
Nardus Celtica, or Spica Romana, the } 112 pound.	—	v l. xij s.
Nux pini or grana pini, the pound	—	j s.
Olibanum or incense, the 112 pound	—	v l.
Opium, the pound	—	x s.
Opium huirredem, the pound	—	vj d.
Orcant or almet, the pound	—	j s.
Orange flower ointment, the pound	—	iij s. vj d.
water, the gallon	—	v s.
Organum, the pound	—	vij d.

Offa

§ Geo. 1. c. 15.

§ Geo. 1. c. 15.

§ Geo. 1. c. 15.

Drugs vocat.

Offa de corde cervi, the pound	ij l.
Oyle of amber, the pound	x s.
Oyle of rofemary, the pound	vij s.
Oyle de bay, the 112 pound	ij l.
Oyle of mace or nutmegs, the pound	v s.
Oyle de ben, the pound	v s. viij d.
Oyle of spike, the pound	j s. viij d.
Oyle of almonds, the pound	j s.
Oyle de fcorpions, the pound	ij s. viij d.
Oleum petrolium, the pound	j s. viij d.
Oleum turpentine, the pound	vj d.
Orabus, the pound	vj d.
Orpment or auripigmentum, the 112 pound	ij l.
Panther, the pound	iv l.
Panis porcinus, vide cyclamen	
Pearle beaten, the ounce troy	iiij s. iv d.
Pellitorie, the pound	vj d.
Pepper long, the pound	j s.
Perrosen, vide franckinfence	
Piony feeds, the pound	vij d.
Pistachias or nux pistachize, the pound	j s.
Pix Burgundia, the 112 pound	xv s.
Pollum montanum, the pound	vij d.
Polipodium, the pound	iv d.
Pomegranet pills, the 112 pound	ij l.
Poppie feeds, the pound	vij d.
Præcipitate, vide mercurie præcipitate	
Pfyllum, the pound	vij d.
Prunellajes or pruans of Brunolia, the pound	j s.
Quickfilver, vide argentum vivum	
Rhapontikum, the pound	xij s. iv d.
Radix efule, the pound	j s.
Redhead, the 112 pound	xvj s. viij d.
Rhabarbarum or rubarbe, the pound	j l.
Rofalger, the pound, vide arfenick	
Roffet, the pound	vj d.
Radix contra yerva, the pound	iiij s. iv d.
Radix fcorpionera, the pound	iiij s. iv d.
Radix geonæ, the pound	vij d.
Sal alkali, the pound	iv s.
Sal armoniacum, the pound	j s. viij d.
Sal gem, the pound	vij d.
Sal nitæ, the pound	j s. vj d.
Sandracha or gum sandracha, or gum juniperi the hundred and twelve pound	j l. viij s.
Sandiver, the 112 pound	x s.
Sanguis draconis, the pound	iiij s. iv d.
Sariaparilla, the pound	iiij s. iv d.
Saffafras wood or roots, the hundred and twelve pound	j l.
Saunders white, the pound	j s.
Saunders yellow, the pound	ij s.
Saunders red alias stock, the 112 pound	iiij l.
Scamoniæ, vide diagredium	
Scincus marinus the piece	iiij d.

Scordium,

Drugs vocat.

Scordium, the pound	_____	vj d.
Scorpions, the piece	_____	iiij d.
Sebestines, the pound	_____	j s.
Seeds for gardens of all sorts, the pound	_____	viiij d.
Seler montanus, the pound	_____	viiij d.
Semen cucumeris, cucurb. citrul. melon the lb.	_____	viiij d.
Sena, the pound	_____	ij s. vjd.
Soldoneſſa, the pound	_____	viiij d.
Sperma cæti ſine, the pound	_____	v s.
Sperma cæti courſe oylic, the 112 pound	_____	iiij l.
Spica celtica, vide nardus celtica, or ſpica } Romana	_____	
Sanguis hirci, the pound	_____	j s.
Spicknard, the pound	_____	vj s. viij d.
Spodium, the pound	_____	j s. vjd.
Spunges, the pound	_____	iijs. iv d.
Squilla, the 112 pound	_____	jl. v s.
Squinanthum, the pound	_____	iijs. iv d.
Stechados, the pound	_____	x d.
Staphiſager, the 112 pound	_____	ij l.
Stibium, vide antimonium preparatum	_____	
Storax calamita, the pound	_____	v s.
Storax liquida, the pound	_____	j s.
Succus liquiritiz, the pound	_____	j s.
Sulphur vivum, the pound	_____	viiij d.
Tamarindes, the pound	_____	x d.
Terra lemnia, the pound	_____	v s.
Terra ſigillata, the pound	_____	iiij s.
Thlaſpii ſemen, the pound	_____	j s.
Tornſall, the pound	_____	viiij d.
Trociſci de vipera, the ounce troy	_____	v s.
Treacle common, the pound	_____	ij s.
Treacle of Venice, the pound	_____	x s.
Turbith, the pound	_____	v s.
Turbith thapiæ, the pound	_____	ii s.
Turmerick, the pound	_____	j s.
Turpentine of Venice, Scio or Cyprus the } pound	_____	j s. viij d.
Turpentine common, the 112 pound	_____	x s.
Talke white, the pound	_____	vj d.
Talke green, the pound	_____	ij s.
Yerdigreece, the pound	_____	j s. viij d.
Verniſh, the 112 pound	_____	ij l.
Vermillion, vide cinabrium	_____	
Vitriolum romanum, the pound	_____	j s.
Vmber, the hundred weight, cont. 112 pound	_____	jl.
Viſcus quercinus, the pound	_____	iv s.
White lead, the 112 pound	_____	jl.
Wormſeeds, the pound	_____	iiij s. iv d.
Zedoaria, the pound	_____	iiij s. iv d.
Xylobaſſamum, vide lentiſcus	_____	

3 Geo. 1. c. 15.

3 Geo. 1. c. 15.

All drugs imported directly from the place of their growth in English-built ſhipping, to be rated one third part of what is charged in the book of rates, and no more.

Diamonds, pearls, precious ſtones and jewels, the }
hundred pound value

6 Geo. 1. c. 7.

Earlings,

E

Earthen ware.	Earlings, the groce, cont. 12 dozen	—	ij l.
	Brick stones, by the thousand	—	ij l.
	Flanders tiles to scowr with, the thousand	—	ij l.
	Gally tiles, the foot	—	js.
	Paveing tiles, the thousand	—	iiij l.
	Tiles called pan tiles, the thousand	—	viii l.
	All other sorts of earthen ware not particularly mentioned, to pay for every twenty shillings value 1 s. 6 d.	—	—
	Eggs, the hundred, cont. six score	—	js. viij d.
	Elephants teeth, the hundred, cont. 112 pound	—	iv l.
	Emery stones, the hundred weight cont. 112 pound	—	vij s.
	Ebony wood, the hundred weight, cont. 112 pound	—	ij l.

F

7 & 8 W. 3.
C. 20.

Fannes	For corn, the piece	—	vjs. viij d.
	of paper, the dozen	—	vjs. viij d.
	for women and children French-making,	—	—
	the dozen	—	ij l.
Feathers	for beds, the 112 pound	—	iv l.
	voc. estridge or ostridge feathers undrest the pound	—	ij l.
	estridge or ostridge drest, the pound	—	ij l.
	Feather-beds old or new, the piece	—	ij l. xiijs. iv d.
	Felts for cloaks, French-making, three yards and an half long, one yard and an half broad the felt	—	iv l.
	Fiddles for children, the dozen	—	ivs.
	Fire-shovels, the dozen	—	xiijs. iv d.
	Fire-shovel plates, the hundred weight cont. 112 lb.	—	xiijs. iv d.
	Figuretto, the yard	—	vij s. iv d.
Fish voc.	Files, the groce, containing twelve dozen	—	ij l.
	Cod-fish, the barrel	—	xiijs. iv d.
	Cod-fish, the last, cont. twelve barrels	—	vij l.
	Cod-fish, the hundred, cont. six score	—	ij l. vjs. viij d.
	Cods-heads, the barrel	—	ij s. iv d.
	Cole-fish, the hundred, cont. six score	—	ij l.
Fishes voc.	Pimper celes, the barrel	—	ij l.
	Shaft, kine or dole celes the barrel	—	ij l. xs.
	Spruce celes, the barrel	—	ij l.
	Stub celes, the barrel	—	ij l. vjs. viij d.
	Quick celes, the ships lading	—	xx l.
	Gull fish, the barrel	—	vjs. viij d.
	Haddocks, the barrel	—	vjs. viij d.
	white, full or shotten, the barrel	—	vij s. iv d.
	white, full or shotten, the last, cont. twelve barrels	—	v l.
	red, the cade, cont. 500	—	vij s. iv d.
	red, the last, cont. 20 cades	—	vij l. vjs. viij d.
	Lampreis, the piece	—	js.
	Lings of all sorts, the hundred, cont. six score	—	iii l. vjs. viij d.
	Newland fish small, the hund. cont six score	—	xs.
	Newland fish, middle sort, the hund. cont. 6 score	—	ij l.

15 Car. 2. c. 7.

Note, That all sorts of fish English taken and brought in English ships, ought to pay no custom, as by the stat. 10. Eliz. Reg. cap. 5.

Newland

FISH VOC.	Newland fish great, the hund. cont. 6 score	j l. x s.
	Salmon, the barrel	ij l.
	Salmon girdles, the barrel	xv s.
	Seale fish, the fish	xij s. iv d.
	Cropling, the hund. cont. 6 score	xij s. iv d.
	Cropling the last, cont. 1000	vj l. xij s. iv d.
	Lubfish, the hund. cont. six score	j l. vj s. viij d.
	Lubfish, the last, cont. 1000	xij l. vj s. viij d.
	Titling, the hund. cont. six score	vj s. viij d.
	Titling, the last, cont. 1000	ij l. vj s. viij d.
FLANNEL VOC.	Whiting the barrel	ij s. iv d.
	Flannel, the yard	j s. viij d.
	covered with leather, the dozen	v s.
	covered with velvet, the dozen	ij l.
	of horn the dozen	vj s. viij d.
	Spruce, Muscovie, and all flax undrest, the hundred weight, cont. 112 pound	j l.
	drest or wrought flax, the hundred weight, containing 112 pound	xvi.
	Fleams to lead blood, the piece	ij d.
	Flocks, the hundred weight, cont. 112 pound	ij l.
	Flutes courfe, the groce, cont. 12 dozen	j l.
FURS VOC.	Freeze of Ireland, the yard	ix d.
	Frizado, the piece, cont. 24 yards	vij l.
	Armins, the tymber, cont. 40 skins	ij l.
	Badger skins, the piece	ij s.
	Beare skins black or red, the piece	j l.
	Beare skins white, the piece	ij l.
	Beaver skins, the whole piece	vj s. viij d.
	Beaver wombes, the piece	j s. viij d.
	white taw'd, the hundred, cont. five score skins	ij l.
	black tawed, the dozen skins	j l. vj s. viij d.
BUDGE VOC.	black untawed, the hundred, cont. five score skins	ij l. x s.
	Poules the far, cont. 4 pains	j l.
	Navern, the hundred legs, cont. five score	vij s. iij d.
	Rumney, the hund. legs, cont. five score	vj s. viij d.
	untawed, the tymber, cont. 40 skins	vj s. viij d.
	tawed, the tymber, cont. 40 skins	vij s.
	seasoned, the paine	j l.
	stagg, the paine	xij s. vj d.
	skins, the hundred, cont. five score	ij l.
	pouls, the hundred, cont. five score	j l.
CATS VOC.	pouls, the mantle	vj s. iij d.
	wombers, the paines or mantle	vj s. iij d.
	Dokerers, the tymber, cont. 40 skins	xij s. iv d.
	Fitches the tymber, cont. 40 skins	xij s. iv d.
	the paine or mantle	xij s. vj d.
	the black fox skin	x l.
	the ordinary skin	j s. iv d.
	the pain or mantle	xv s.
	wombers, poules, or pieces the pain	x s.
	Foynes backs the dozen	xij s. iv d.
FOXES VOC.	Foynes tailes, the pain or mantle	xij s. vj d.

Chests	{ of spruce or danke the nest, containing three chests	j. l. x. s.
	{ painted the dozen	ij. l.
Chimney-backs	{ small the piece	vj. s. viij.
	{ large the piece	xij. s. iiij. d.
China pease the pound		ij. s. iv. d.
Chizels for joiners, the dozen		iiij. s.
Citerns, the dozen		iiij. l.
Claphoult	{ the small hundred, containing six score boards	xv. s.
	{ or the ring, cont. two small hundred	j. l. x. s.
Clapboard	{ the great hundred, cont. twenty four small hundred	xviij. l.
Claricords the pair		xij. s. iiij. d.
Cloakes of felt the piece		ij. l.
All manner of woollen cloths imported per yard		
Geo. 1. c. 15. Cochineale	{ vocat. Sylvester, or Campeache cocheneale the pound	j. s. viij. d.
	{ of all sorts of cocheneals except Sylvester and Campeache cocheneale, the pound	vj. s. viij. d.
Ann. c. 8. Coals of Scotland the ton		vj. s. viij. d.
Coffers	{ covered with gilt leather, the dozen	ij. l.
	{ covered with velvet, the dozen	iv. l.
	{ with iron bars, the nest, cont. three coffers plain the nest, containing three coffers	j. l. xij. s.
	{ painted the nest, cont. three coffers	xij. s. iv. d.
Comashes out of Turkey, the piece		xv. s.
Combes	{ for wool the pair, old or new	iv. s.
	{ of bone the pound	iv. s.
	{ of box the groce, cont. 12 dozen	x. s.
	{ voc. lightwood combes the groce, containing 12 dozen	vj. s. viij. d.
	{ of horse for barbers, the dozen	ij. s.
	{ of ivory, the pound	x. s.
Combs	{ vocat. horse-combs, the dozen	iv. s.
Comfets the pound		ij. s.
Compasses	{ of iron for carpenters, the dozen	ij. s.
	{ of brass, the dozen	iv. s.
	{ for ships, the dozen	vij. s. vj. d.
Copper	{ unwrought bricks or plates round or square, the hundred weight cont. 112 pound	x. s.
	{ of rose copper	
	{ chaines, the chaine	ij. s.
	{ purles or plate the marke	vj. s. viij. d.
Ann. c. 18. Copperas green the hundred weight, containing 112 pound		
Cordage or ropes tarred or untarred the hundred weight, containing 112 pound		xv. s.
Corke tacks	{ of iron the thousand	xij. s. iiij. d.
	{ of steel the thousand	vj. s. viij. d.
Corke	{ for shoemakers, the dozen pieces	j. l. xij. s. iv. d.
	{ of all other sorts the hundred weight, containing 112 pound	iv. s.
xvj. s. viij. d.		

Corn	Wheat	Wheat imported not exceeding the price of five shillings six-pence the bushel at the place of importation by the bushel	v. s.
		When it shall exceed that rate by the quarter	vj. s. viij. d.
	Rye	Imported not exceeding the price of four shillings six pence the bushel at the place of importation by the bushel	ij. s. iv. d.
		when it shall exceed that rate by the quarter	v. s.
	Beans	Imported, not exceeding the price of three shillings six pence the bushel at the place of importation	ij. s. iv. d.
	Barley Malt	Imported, not exceeding the price of three shillings six pence the bushel at the place of importation	ij. s. iv. d.
		When it shall exceed that rate, by the quarter	v. s.
		Coverlets of Scotland, the piece	xv. s.
		Counters of latin, the pound	j. s.
		laths the pound	vij. d.
		Croshaw { threed, the pound	vij. d.
		racks, the piece	x. s.
		Cruses { of stone without covers, the hundred, containing five score	x. s.
		off stone with covers, the hund. cont. 5 score	j. l. vj. s. viij. d.
		Cushians of Scotland, the dozen	x. s.
		Cushen-cloths { course, the dozen	ij. l. x. s.
		of tapestry, the dozen	ij. l. x. s.
		Cuttle bones, the thousand	j. l. vi. s. viij. d.

5 Ann. c. 2.

5 Ann. c. 2.

D

		Daggs with fire locks, or snaphances, the piece	j. l.
Daggers		blades, the dozen	j. l. vj. s. viij. d.
		for children the dozen	ij. s.
		of bone for children the dozen	ij. s.
		black, with velvet sheaths, the dozen	ij. l.
		gilt, with velvet sheaths, the dozen	ij. l.
		Meabro-deals, the hundred, cont. fix-score	ij. l.
Deals voc.		Norway-deals, the hundred, cont. fix-score	v. l.
		Burgendorp-deals, the hundred, containing fix-score	xij. l.
		Spruce-deals, the hundred, cont. fix-score	xv. l.
		or staves for books, the dozen	ij. s.
		for women to work on, covered with woolen, the piece	v. s.
		for women, covered with velvet, the piece	x. s.
Dials		of wood, the dozen	ij. s.
		of bone, the dozen	xij. s.
		Dimity, the yard	ij. s.
		Dogs of earth, the groce, cont. twelve dozen	ij. l.
Dornix		with caddas the piece, cont. fifteen yards	j. l. x. s.
		with silk the piece, cont. fifteen yards	ij. l.
		with wool the piece, cont. fifteen yards	j. l. v. s.
		with thred the piece, cont. fifteen yards	j. l.

Dornix	French-making, the ell	ij. s. vj. d.
	French-making, the yard	ij. s.
Dugeon,	the hundred pieces, containing five-score	j. l.
Durance or	with thred, the yard	vj. s. viij. d.
Durety	with filk, the yard	x. s.
Dutties,	the piece	j. l.
Acacia,	the pound	iiij. s.
Acorus,	the pound	j. s.
Adiantum album,	the pound	vij. d.
Adiantum nigrum,	the pound	vj. d.
Agaricus or agarick,	trim'd or pared, the pound	j. l.
Agaricus rough or untrim'd,	the pound	v. s.
Agnus castus seeds,	the pound	j. s.
Alkanet roots,	the pound	j. s.
Alcherne	syrrup the pound	vj. s. viij. d.
	confectio, the ounce	iiij. s.
Aloes-cicotrina,	the pound	v. s.
Aloes-epatica,	the pound	ij. s.
Allum ronish or roch,	the hundred, containing 112 pound	j. l.
Ambergreece black or grey,	the ounce troy	iiij. l.
Ameos seed,	the pound	vij. d.
Amomi seeds,	the pound	vij. d.
Anacardium,	the pound	iijs. iiij. d.
Angelica,	the pound	j. s.
Antimonium crudum,	the hundred weight, containing 112 pound	j. l.
Antimonium preparatum or stibium,	the pound	vij. d.
Argentum sublimé or limum,	the pound, or quicksilver	iiij. s.
Aristolochia longa and rotunda,	the pound	j. s. iiij. d.
Arnick white or yellow, or rosalger,	the pound	iiij. d.
Afarum roots,	the pound	j. s.
Aspalathus,	the pound	j. s. vj. d.
Assa fetida,	the pound	j. s. ij. d.
Almonds bitter,	the hundred weight, containing 112 pound	ij. l.
Alumen plume,	the pound	j. s.
Balaustium,	the pound	ij. s. vj. d.
Balsamum artificial,	the pound	iiij. s. iiij. d.
Balsamum natural,	the pound	x. s.
Bayberries,	the 112 pound	xiiij. s. iiij. d.
Barley huld or French barley,	the 112 pound (a)	j. l.
Bdellium,	the pound	ij. s. vj. d.
Benalbum or rubrum,	the pound	ij. s.
Benjamin of all sorts,	the pound	v. s.
Beazer stone of the East-India,	the ounce troy	iiij. l.

Geo. 1. c. 15.

Drugs vocat.

Beazer stone of the West-India, the ounce	tro	x s.
Black leade, the 112 pound		j l. x s.
Blata Bizantia, the pound		ij s.
Bolus communis, or armoniacus, the hundred weight, cont. 112 pound		vj s. viij d.
Bolus verus the pound, or fine bole		vij d.
Borax in paffe or unrefined, commonly called Tincull, the pound		ij s. iv d.
Borax refined, the pound		xij s. iij d.
Bunkins, holiwortles or pistolachia, the pound		ij s. vj d.
Callamus, the pound		vij d.
Camphire refined, the pound		v s.
Camphire unrefined, the pound		ij s. vj d.
Cancri oculus, the pound		iv s.
Cantarides, the pound		v s.
Caraway seeds, the 112 pound		j l. iv s.
Cardamomes, the pound		ij s.
Carpo balsami, the pound		iv s.
Carrabe, or succinum, the pound		j s.
Carthamus seeds, the pound		vij d.
Cassia fistula, the pound, of all sorts		j s. vj d.
Cassia lignea, the pound		j s. vij d.
Castoreum or bevor cods, the pound		x s.
Cerussa, the 112 pound		j l. x s.
China roots, the pound		vj s. viij d.
Ciceres white and red, the pound		vj d.
Ciperus longus & rotundus, the 112 pound		j l. xij s. iv d.
Ciperus nuts, the pound		vij d.
Civet, the ounce tro		ij l.
Coculus Indiae, the pound		ij s.
Coloquintida, the pound		ij s.
Coral, red or white in fragments, for physick use, the pound		ij s. iv d.
Coral whole, the pound		j l.
Coriander seeds, the one hundred and twelve pound		j l.
Cortex guaci, the 112 pound		ij l.
Cortex caperum, the pound		j s.
Cortex tamerisci, the pound		vij d.
Cortex mandragorae, the pound		ij s.
Cofcus dulcis and amarus, the pound		j s. viij d.
Cubebs, the pound		j s. iv d.
Cumminseed, the 112 pound		j l. xij s. iv d.
Cuscuta, the pound		j s.
Cyclamen or panis porcinus, the pound		ij s.
Citrage, the pound		j s.
Cetrach, the pound		j s.
Cinabrum or vermilion, the pound		ij s. vj d.
Copperas { white, the 112 pound		ij l.
{ blew, of Danke or Hungary, the 112 pound		xij s.
Cambogium or gutta gambae, the pound		ij s. iv d.
Chrystal in broken pieces for physick uses, per lb.		ij s. iv d.

Carlina, the pound	j. s.
Carolina the pound	iv d.
Cortex winteranus, the pound	vij d.
Daucus creticus, the pound	iv s.
Disgredium or scamony, the pound	j l.
Diptamus: {	j s.
	j s. vj d.
Dryonicum, the pound	j s. vj d.
Eleborus albus and niger, the pound	vij d.
Epithemum, the pound	j s.
Es nium, the pound	j s. iv d.
Euphorbium, the pound	vij d.
Fennel seeds, the pound	vj d.
Fenugreek, the 112 pound	xv s.
Flory, the pound	j s.
Folium Indiz, the pound	v s.
Fox lungs, the pound	vij s.
Frankincense of France or Parroim, the 112 pound	xij s.
Galbanum, the pound	j s. vj d.
Galanga, the pound	j s. vj d.
General the pound	j s. iv d.
Gentiana, the pound	vj d.
Ginty pepper, the pound	j s.
Grana pinz, the pound	j s.
Green ginger, the pound	j s.
Gum anisi, the pound	j s.
Gum armoniack, the pound	j s.
Gum caraniz, the pound	iv s.
Gum tragagant, the pound	j s.
Gum elemni, the pound	x d.
Gum hederz, the pound	iv s.
Gum lack, the pound (a)	j s.
Gum opopanax, the pound	vi s. viij d.
Gum sarcocol, the pound	j s. vj d.
Gum serapinum the pound, or sagapheum	j s. vj d.
Gum taccamahacca; the pound	iv s.
Grana tinctorum	j s. vj d.
Grains of Guiney or French grains, the 112 pound	j l. x s.
Gum Arabeck, or gum Seneca, the hundred and twelve pound	j l. s.
Gum sandrake, or gum juniperi, the hundred and twelve pound	j l. viij s.
Gum guiaci, the pound	iv s.
Gum cremen, the pound	vj d.
Hermodactilus, the pound	j s.
Hypocistis, the pound	j s.
Horns of harts or stags, the hundred	j l. x s.
Incense or olibanum, the 112 pound	v l.
Ireos, the 112 pound	j l. x s.
Isonglass, the 112 pound (a)	v l.
Jujubes, the pound	j s.
Jolop, the pound	iv s.
Juniper berries, the 112 pound	j l.

Drugs vocat.

Labdanum

Labdanum tr. Lapidonum, the pound	j s.
Lapis Callamariæ, the 112 pound	xv s. viij.
Lapis Hematitidis, the pound	j s.
Lapis judæicus, the pound	j s.
Lapis lazuli, the pound	x s.
Lapis tutius, the pound	j s.
Leaves of roses, the pound	j s.
of violet or flowers, the pound	vij d.
Lyntifcus or xylobalsamum, the pound	j s. viij d.
Lignum aloes, the pound	x s.
Lignum asphaltum, the pound	j s.
Lignum rhodium, the 112 pound	x s.
Lignum vite, the 112 pound	x s.
Litharge of gold, the 112 pound	x s.
Litharge of silver, the 112 pound	x s.
Locusts, the pound	j s. iij d.
Lupines, the 112 pound	x s.
Lentills, the pound	iij d.
Lapis contrayerva, the ounce	v s.
Lignum nephreticum, the pound	iv s.
Madder roots, or rubes thacterum, the } pound (a)	j s.
Manna, the pound	j s. vj d.
Marmelade, the pound	j s.
Maftick white, the pound	iij s. iv d.
Maftick red, the pound	j s.
Mechoacan, the pound	iij s. vj d.
Mercury sublimat. the pound	iij s.
Mercury præcipitat. the pound	v s. viij d.
Methridate Venetiæ, the pound	x s.
Millium folis, the pound	j s.
Mirabolanes dry, the pound	j s.
Mirabolanes, condited the pound	j s. viij d.
Mirtle berries the pound	j s.
Mummia, the pound	j s.
Muske, the ounce troy	iij l.
Muske cods, the dozen	iij l.
Myrrha, the pound	iij s.
Nygella, the pound	vij d.
Nytrum, the pound	iij s.
Nutmegs condited, the pound	iv s.
Nux de benne, the pound	j s.
Nux cupressi, the pound	vij d.
Nux indica, the piece	vj d.
Nux vomica, the pound	vij d.
Nardus Celtica, or Spica Romana, the } 112 pound.	v l. xij s.
Nux pini or grana pini, the pound	j s.
Olibanum or incense, the 112 pound	v l.
Opium, the pound	x s.
Opium huiusredem, the pound	vj d.
Orcant or almet, the pound	j s.
Oringe flower ointment, the pound	iij s. vj d.
water, the gallon	v s.
Organum, the pound	vij d.

Offa

§ Geo. 1. c. 15.

§ Geo. 1. c. 15.

§ Geo. 1. c. 15.

Drugs vocat.

Offa de corde cervi, the pound	ij l.
Oyle of amber, the pound	x s.
Oyle of rosemary, the pound	viii s.
Oyle de bay, the 112 pound	ij l.
Oyle of mace or nutmegs, the pound	v s.
Oyle de ben, the pound	v s. viij d.
Oyle of spike, the pound	j s. viij d.
Oyle of almonds, the pound	j s.
Oyle de scorpions, the pound	ij s. viij d.
Oleum petrolium, the pound	j s. viij d.
Oleum turpentine, the pound	vjd.
Orabus, the pound	vjd.
Orpment or auripigmentum, the 112 pound	ij l.
Panther, the pound	iv l.
Panis porcinus, <i>vide cyclamen</i>	
Pearle beaten, the ounce troy	iiij s. iv d.
Pellitorie, the pound	vjd.
Pepper long, the pound	j s.
Perrosen, <i>vide franckinsence</i>	
Piony seeds, the pound	viii d.
Pistachias or nux pistachie, the pound	j s.
Pix Burgundie, the 112 pound	xv s.
Pollute montanum, the pound	viiij d.
Polipodium, the pound	iv d.
Pomegranet pills, the 112 pound	ij l.
Poppie seeds, the pound	viiij d.
Præcipitate, <i>vide mercurie præcipitate</i>	
Psyllium, the pound	viiij d.
Prunellæes or prunns of Brunelia, the pound	j s.
Quicksilver, <i>vide argentum vivum</i>	
Rhapontikum, the pound	xiiij s. iv d.
Radix efule, the pound	j s.
Redlead, the 112 pound	xv s. viij d.
Rhabarbarum or rubarbe, the pound	j l.
Rosalger, the pound, <i>vide arsenick</i>	
Rosset, the pound	vjd.
Radix contra yerva, the pound	iiij s. ivd.
Radix scorponera, the pound	iiij s. iv d.
Radix geone, the pound	viiij d.
Sal alkali, the pound	iv s.
Sal armoniacum, the pound	j s. viij d.
Sal gem, the pound	viiij d.
Sal niter, the pound	j s. vjd.
Sandracha or gum sandracha, or gum } juniperi the hundred and twelve pound }	j l. viij s.
Sandiver, the 112 pound	x s.
Sanguis draconis, the pound	iiij s. iv d.
Sariaparilla, the pound	iiij s. iv d.
Saffraas wood or roots, the hundred and } twelve pound }	j l.
Saunders white, the pound	j s.
Saunders yellow, the pound	ij s.
Saunders red alias stock, the 112 pound	iiij l.
Scamonic, <i>vide diagredium</i>	
Scincus marinus the piece	iiij d.

Scordium,

Scordium, the pound	—	—	vj d.
Scorpions, the piece	—	—	ijj d.
Sebestines, the pound	—	—	j s.
Seeds for gardens of all sorts, the pound	—	—	vijj d.
Seler montanus, the pound	—	—	vijj d.
Semen cucumeris, cucurb. citrul. melon the lb.	—	—	vijj d.
Sena, the pound	—	—	ij s. vj d.
Soldonella, the pound	—	—	vijj d.
Sperma cæti fine, the pound	—	—	v s.
Sperma cæti course oylic, the 112 pound	—	—	iiij l.
Spica celtica, vide nardus celtica, or spica } Romana	—	—	
Sanguis hirci, the pound	—	—	j s.
Spicknard, the pound	—	—	vj s. vijj d.
Spodium, the pound	—	—	j s. vj d.
Spunges, the pound	—	—	iiij s. iv d.
Squilla, the 112 pound	—	—	jl. v s.
Squinanthum, the pound	—	—	iiij s. iv d.
Stechados, the pound	—	—	x d.
Staphisager, the 112 pound	—	—	ij l.
Stibium, vide antimonium preparatum	—	—	
Storax calamita, the pound	—	—	v s.
Storax liquida, the pound	—	—	j s.
Succus liquiritizæ, the pound	—	—	j s.
Sulphur vivum, the pound	—	—	vijj d.
Tamarindes, the pound	—	—	x d.
Terra lemnia, the pound	—	—	v s.
Terra figillata, the pound	—	—	iiij s.
Thlaspii semen, the pound	—	—	j s.
Tornall, the pound	—	—	vijj d.
Troscisci de vipera, the ounce troy	—	—	v s.
Treacle common, the pound	—	—	ij s.
Treacle of Venice, the pound	—	—	x s.
Turbith, the pound	—	—	v s.
Turbith thapsiæ, the pound	—	—	ii s.
Turmerick, the pound	—	—	j s.
Turpentine of Venice, Scio or Cyprus the pound	—	—	j s. vijj d.
Turpentine common, the 112 pound	—	—	x s.
Talke white, the pound	—	—	vj d.
Talke green, the pound	—	—	ij s.
Verdigreece, the pound	—	—	j s. vijj d.
Vernish, the 112 pound	—	—	ij l.
Vermillion, vide cinabrium	—	—	
Vitriolum romanum, the pound	—	—	j s.
Vmber, the hundred weight, cont. 112 pound	—	—	jl.
Viscus quercinus, the pound	—	—	iv s.
White lead, the 112 pound	—	—	jl.
Wormseeds, the pound	—	—	iiij s. iv d.
Zedoaria, the pound	—	—	iiij s. iv d.
Xylobalsamum, vide lentiscus	—	—	

8 Geo. 1. c. 15.

8 Geo. 1. c. 15.

All drugs imported directly from the place of their growth in English-built shipping, to be rated one third part of what is charged in the book of rates, and no more.

Diamonds, pearls, precious stones and jewels, the }
hundred pound value --- x s.

6 Geo. 2. c. 7.

Earlings,

Newland

Newland fish great, the hund. cont. 6 score		j l. x s.
Salmon, the barrel		ij l.
Salmon girdles, the barrel		xv s.
Seale fish, the fish		xiiij s. iv d.
Stock-fish voc.	Cropling, the hund. cont. 6 score	xiiij s. iv d.
	Cropling the last, cont. 1000	v l. xiiij s. iv d.
	Lubfish, the hund. cont. six score	j l. vj s. viij d.
	Lubfish, the last, cont. 1000	xiiij l. vj s. viij d.
	Titling, the hund. cont. six score	vj s. viij d.
	Titling, the last, cont. 1000	iiij l. vj s. viij d.
Whiting the barrel		iiij s. iv d.
nnel, the yard		j s. viij d.
covered with leather, the dozen		v s.
covered with velvet, the dozen		ij l.
of horn the dozen		vj s. viij d.
}	Spruce, Muscovie, and all flax undrest, the hundred weight, cont. 112 pound	j l.
	drest or wrought flax, the hundred weight, containing 112 pound	xv l.
rams to lead blood, the piece		ij d.
ocks, the hundred weight, cont. 112 pound		ij l.
utes course, the groce, cont. 12 dozen		j l.
eeze of Ireland, the yard		ix d.
izado, the piece, cont. 24 yards		viiij l.
Armins, the tymber, cont. 40 skins		ij l.
Badger skins, the piece		ij s.
Beare skins black or red, the piece		j l.
Beare skins white, the piece		ij l.
Beaver skins, the whole piece		vj s. viij d.
Beaver wombes, the piece		j s. viij d.
Budge	white taw'd, the hundred, cont. five score skins	ij l.
	black tawed, the dozen skins	j l. vj s. viij d.
	black untawed, the hundred, cont. five score skins	iiij l. x s.
	Poules the far, cont. 4 pains	j l.
	Navern, the hundred legs, cont. five score	viijs. iiij d.
	Rumney, the hund. legs, cont. five score	vj s. viij d.
	untawed, the tymber, cont. 40 skins	vj s. viij d.
	tawed, the tymber, cont. 40 skins	viiij s.
	seasoned, the paine	j l.
	stagg, the paine	xij s. vj d.
Cats	skins, the hundred, cont. five score	ij l.
	pouls, the hundred, cont. five score	j l.
	pouls, the mantle	vj s. iiij d.
	wombes, the paines or mantle	vj s. iiij d.
Dokersers, the tymber, cont. 40 skins		xiiij s. iv d.
Fiches	the tymber, cont. 40 skins	xiiij s. iv d.
	the paine or mantle	xij s. vj d.
Foxes	the black fox skin	x l.
	the ordinary skin	j s. iv d.
	the pain or mantle	xv s.
	wombes, poules, or pieces the pain	x s.
Foynes backs the dozen		xiiij s. iv d.
Foynes tailes, the pain or mantle		xij s. vj d.

Fustians	Of sew or Augusta fustians, the piece	iv l. x s.
vocat.	cont. two half pieces	—
	with silk, the yard	vij s.
	of weasel the piece cont. two half pieces	vij l.
Fusses of cloves, the pound	—	ij s. vj d.

G

Gadza	of all sorts without gold or silver, the yard	ij s. viij d.
Gadza	stript with gold or silver, the yard	v s.
Gally dishes, the dozen	—	ij s. vj d.
Garnets	small rough, the pound	j l.
	small or great, cut, the pound	ij l.
Gantlets, the pair	—	iv s.
Garters of silk French-making, the dozen pair	—	ij l.
Gaules, the hundred weight cont. 112 pound (a)	—	ij l.
Gimlets for vintners, the dozen	—	vij s.
Girdles	of cruel, the groce cont. 12 dozen	ij l. xij s. iv d.
	of leather the groce cont. 12 dozen	ij l. vj s. viij d.
	of silk, the dozen	ij l.
	of velvet, the dozen	iiij l.
	of woollen, the dozen	j l. xij s.
Glasses for windows	of counterfeit gold and silver, the dozen	j l.
	Burgundy white the chest (b)	ij l. xv s.
	Burgundy coloured, the chest	v l. v s.
	Normandy white, the case	j l. x s.
Glasses for windows	Normandy coloured, the case	ij l. xv s.
	Rhenish the way or web, cont. 60 bunches	iv l. x s.
	Muscovy glass or slide, the pound	ij s.
	Venice drinking glasses, the dozen	xvij s.
Drinking glasses, voc.	Flanders drinking glasses, the hundred glasses	j l. v s.
	Scotch and French drinking glasses, the hundred cont. five score	xv s.
	course drinking glasses, the dozen	ij s.
	Burning glasses, the dozen	lij s.
Glasses vocat.	Balne glass, the groce cont. 12 dozen	vij s. vj d.
	Vials, the hundred cont. five score	xv s.
	Water glasses, the dozen	xij s.
Looking glasses	half penny ware, the groce cont. 12 dozen	vij s.
	penny ware, the groce cont. 12 dozen	xv s.
	of steel small, the dozen	xij s. iiij d.
	of steel large	j l. vj s. viij d.
	of cristall small, the dozen under N ^o 6.	j l. x s.
	of cristall middle sort, the dozen N ^o 6.	ij l.
	of cristall small, the dozen N ^o 7, 8, 9, 10.	vj l.
Hour glasses	of cristall, the dozen N ^o 11, 12.	xlv l.
	of Flanders making course, the groce cont. 12 dozen	ij l.
	of Flanders making, the dozen fine	j l.
Glass stone plates, for spectacles rough	of Venice making, the dozen	ij l.
	—	j l.
Glass plates or sights for looking glasses unsiled.	of cristall small, under N ^o 6. the dozen	j l.
	of cristall, N ^o 6. the dozen	ij l.
	of cristall, N ^o 7, 8, 9, 10. the dozen	iv l.
	of cristall, N ^o 11, 12. the dozen	xxx l.

(a) 8 Geo. 1. c. 15.

(b) 7 & 8 W. 3. c. 20.

Dornix	{ French-making, the ell	_____	ij. s. vj. d.
	{ French-making, the yard	_____	ij. s.
Dugeon, the hundred pieces, containing five-score		_____	j. l.
Durance or { with thred, the yard		_____	vj. s. viij. d.
Duretty { with filk, the yard		_____	x. s.
Dutties, the piece		_____	j. l.
Acacia, the pound		_____	iiij. s.
Acorus, the pound		_____	j. s.
Adiantum album, the pound		_____	vij. d.
Adiantum nigrum, the pound		_____	vj. d.
Agaricus or agarick, trim'd or pared, the pound		_____	j. l.
Agaricus rough or untrim'd, the pound		_____	v. s.
Agnus castus seeds, the pound		_____	j. s.
Alkanet roots, the pound		_____	j. s.
Alcherne { syrrop the pound		_____	vj. s. viij. d.
	{ confectio, the ounce	_____	iiij. s.
Aloes-cicotrina, the pound		_____	v. s.
Aloes-epatica, the pound		_____	ij. s.
Allum ronish or roch, the hundred, containing 112 pound		_____	j. l.
Ambergreece black or grey, the ounce troy		_____	iiij. l.
Ameos seed, the pound		_____	vij. d.
Amomi seeds, the pound		_____	vij. d.
Anacardium, the pound		_____	iijs. iiij. d.
Angelica, the pound		_____	j. s.
Antimonium crudum, the hundred weight, containing 112 pound		_____	j. l.
Antimonium preparatum or stibium, the pound		_____	vij. d.
Argentum sublimé or limum, the pound, or quicksilver		_____	iiij. s.
Aristolochia longa and rotunda, the pound		_____	j. s. iiij. d.
Arnick white or yellow, or rosalger, the pound		_____	iiij. d.
Afarum roots, the pound		_____	j. s.
Aspalathus, the pound		_____	j. s. vj. d.
Affa stetica, the pound		_____	j. s. ij. d.
Almonds bitter, the hundred weight, containing 112 pound		_____	ij. l.
Alumen plume, the pound		_____	j. s.
Balaustium, the pound		_____	ij. s. vj. d.
Balsamum artificial, the pound		_____	iiij. s. iiij. d.
Balsamum natural, the pound		_____	x. s.
Bayberries, the 112 pound		_____	xiiij. s. iiij. d.
Barley huld or French barley, the 112 pound (a)		_____	j. l.
Bdellium, the pound		_____	ij. s. vj. d.
Benalbum or rubrum, the pound		_____	ij. s.
Benjamin of all sorts, the pound		_____	v. s.
Bazer stone of the East-India, the ounce troy		_____	iiij. l.

Drugs. vocat.

Drugs

Beazer stone of the West-India, the ounce	x s.
troy	
Black leade, the 112 pound	j l. x s.
Blata Bizantia, the pound	ij s.
Bolus communis, or armoniacus, the hundred weight, cont. 112 pound	vj s. viij d.
Bolus verus the pound, or fine bole	vij d.
Borax in paste or unrefined, commonly called Tinckull, the pound	ij s. iv d.
Borax refined, the pound	xij s. iiij d.
Bunkins, holiwortles or pistolachia, the pound	ij s. vj d.
Callamus, the pound	vij d.
Camphire refined, the pound	v s.
Camphire unrefined, the pound	ij s. vj d.
Cancri oculus, the pound	iv s.
Cantarides, the pound	v s.
Caraway seeds, the 112 pound	j l. iv s.
Cardamomes, the pound	ij s.
Carpo balsami, the pound	iv s.
Carrabe, or succinum, the pound	j s.
Carthamus seeds, the pound	vij d.
Cassia fistula, the pound, of all sorts	j s. vj d.
Cassia lignea, the pound	j s. viij d.
Castoreum or bevor cods, the pound	x s.
Cerussa, the 112 pound	j l. x s.
China roots, the pound	vj s. viij d.
Ciceres white and red, the pound	vj d.
Ciperus longus & rotundus, the 112 pound	j l. xij s. iv d.
Ciperus nuts, the pound	vij d.
Civet, the ounce troy	ij l.
Coculus Indiae, the pound	ij s.
Coloquintida, the pound	ij s.
Coral, red or white in fragments, for physick use, the pound	ij s. iv d.
Coral whole, the pound	j l.
Coriander seeds, the one hundred and twelve pound	j l.
Cortex guaci, the 112 pound	ij l.
Cortex caperum, the pound	j s.
Cortex tamerisci, the pound	vij d.
Cortex mandragorae, the pound	ij s.
Cofcus dulcis and amarus, the pound	j s. viij d.
Cubebs, the pound	j s. iv d.
Cumminseed, the 112 pound	j l. xij s. iv d.
Cuscuta, the pound	j s.
Cyclamen or panis porcinus, the pound	ij s.
Citrage, the pound	j s.
Cetrach, the pound	j s.
Cinabrum or vermilion, the pound	ij s. vj d.
Copperas { white, the 112 pound	ij l.
{ blew, of Danke or Hungary, the 112 pound	xij s.
Cambogium or gutta gambae, the pound	ij s. iv d.
Chrysalin broken pieces for physick uses, per lb.	ij s. iv d.

Labdanum or Lapadonum, the pound	j s.
Lapis Callaminaris, the 112 pound	xv s. viij.
Lapis Hematiticus, the pound	j s.
Lapis judaicus, the pound	j s.
Lapis lazuli, the pound	x s.
Lapis tartar, the pound	j s.
Leaves of roses, the pound	j s.
of violet or flowers, the pound	vij d.
Lynciscus or xylobalsamum, the pound	j s. viij d.
Lignum alicis, the pound	x s.
Lignum asphaltum, the pound	j s.
Lignum rhodium, the 112 pound	x s.
Lignum vite, the 112 pound	x s.
Litharge of gold, the 112 pound	xx s.
Litharge of silver, the 112 pound	x s.
Locust, the pound	j s. viij d.
Lupines, the 112 pound	x s.
Lentills, the pound	ij d.
Lapis contrayerva, the ounce	v s.
Lignum nephreticum, the pound	iv s.
Madder roots, or rubra tinctorum, the } pound (a)	j s.
Manna, the pound	j s. vj d.
Marmelade, the pound	j s.
Mastick white, the pound	ij s. iv d.
Mastick red, the pound	j s.
Mechoacan, the pound	ij s. vj d.
Mercury sublimat. the pound	ij s.
Mercury precipitat. the pound	v s. viij d.
Methridate Venetiz, the pound	x s.
Millium solis, the pound	j s.
Mirabolanes dry, the pound	j s.
Mirabolanes, condited the pound	j s. viij d.
Mirtle berries the pound	j s.
Mumma, the pound	j s.
Muske, the ounce troy	ij l.
Muske cods, the dozen	ij l.
Myrrha, the pound	ij s.
Nygella, the pound	vij d.
Nytrum, the pound	ij s.
Nutmegs condited, the pound	iv s.
Nux de benne, the pound	j s.
Nux cupressi, the pound	vij d.
Nux indica, the piece	vj d.
Nux vomica, the pound	vij d.
Nardus Celtica, or Spica Romana, the } 112 pound	v l. xij s.
Nux pini or grana pini, the pound	j s.
Olibanum or incense, the 112 pound	v l.
Opium, the pound	x s.
Opium huirredem, the pound	vj d.
Orcant or almet, the pound	j s.
Oringe flower ointment, the pound	ij s. vj d.
water, the gallon	v s.
Origanum, the pound	vij d.

Olla

ever kind or degree, civil or criminal, the injury is supposed to be ; and that no mention be made thereof in time to come, in judgment or judicial proceedings.

The penalty upon any person that shall within three years use any words of reproach or disgrace, tending to revive the memory of the late differences.

XXIV. And to the intent and purpose that all names and terms of distinction may be likewise put into utter oblivion, be it further enacted by the authority aforesaid, That if any person or persons, within the space of three years next ensuing, shall presume maliciously to call or alledge of, or object against any other person or persons, any name or names, or other words of reproach, any way tending to revive the memory of the late differences, or the occasions thereof, that then every such person so as aforesaid offending, shall forfeit and pay unto the party grieved, in case such party offending shall be of the degree of gentleman or above, ten pounds ; and if under that degree, the sum of forty shillings ; (2) to be recovered by the party grieved by action of debt to be therefore brought in any of his Majesty's courts of record, wherein no essoin, protection or wager of law shall be allowed, or any more than one imparlance, so as the same action be commenced or prosecuted within six months next after the offence committed ; (3) and if the jury sworn to try any issue or issues that shall be joined in such action, shall find for the plaintiff, they shall likewise give to every such plaintiff forty shillings damages over and above the penalty aforesaid.

Persons plotting or designing the Irish rebellion excepted.
16 Car. 2. c. 33.

XXV. Provided always, That this act, or any thing therein contained, shall not extend to give any benefit unto any person or persons who have had any hand in the plotting, contriving or designing the great and heinous rebellion of *Ireland*, mentioned in one act passed in the parliament begun at *Westminster* the third day of *November* in the sixteenth year of King *Charles*, intituled, *An act for the speedy and effectual reducing of the rebels in his Majesty's kingdom of Ireland to their due obedience to his Majesty and crown of England*, or in aiding, assisting or abetting the same ; (other than such as by another act intended hereafter to be passed shall be therein named, mentioned or expressed to be pardoned,) nor to endure to restore to any person or persons, bodies politick or corporate, (other than the marquess of *Ormond*, lord steward of his Majesty's household, and other the protestants of *Ireland*, and their heirs, and such other person and persons, as in and by an act intended hereafter to be passed shall be therein named, mentioned or expressed in that behalf) any estate, liberties, franchises or hereditaments in *England* or *Ireland*, sold or disposed of by both or either houses of parliament, or any convention assuming the stile or name of a parliament, or any person or persons deriving authority from them or any of them, or which was approved or confirmed by them or any of them ; nor to the mean profits, rents or contingencies of advantage of the same.

Every person pardoned may plead the general issue.

XXVI. And it is further provided and enacted, That every person or persons hereby pardoned, may plead the general issue without special pleading of this pardon, and give this act of pardon in evidence for his discharge, and that the same shall be there-

hereupon allowed, and the advantage thereof had as fully to all intents and purposes, as if the same had been fully and well pleaded, and in such manner as any justice of the peace, constable or other officer, questioned for matters acted by them as officers, or in execution of their offices, may have advantage of the matter of their justification upon the general issue by them pleaded, by the laws and statutes of this kingdom.

XXVII. Provided also, That this act, nor any thing therein contained, shall extend or be interpreted to extend to pardon any person or persons whatsoever for any theft, or stealing of any goods, or other felonies, since the fourth day of *March* in the year of our Lord one thousand six hundred fifty and nine; any thing in this act contained to the contrary thereof in any wise notwithstanding.

Thefts and felonies since the 4th of March 1659. excepted.

XXVIII. Provided also, That neither this act, nor any thing therein contained, shall extend to acquit or discharge any person or persons from making restitution of all such rents, sums of money, horses, cattle or other goods, which by a certain act, or pretended act lately made, intituled, *An act for repeal of two acts for sequestrations*, are required to be restored to those from whom they were taken; (2) nor shall this present act be construed to disable or bar the respective owners or proprietors of and from their several and respective actions or suits at law or in equity, for or by reason of the said or any other rents, monies, horses, cattle or goods, which since the five and twentieth day of *July* one thousand six hundred fifty and nine have been by any person or persons wrongfully received or taken away, and for which the said wrong doers are not in any wise indemnified by the said or any other act of repeal.

This act not to extend to goods to be restored upon an act for repeal of two acts for sequestrations.

XXIX. And be it further enacted by the authority aforesaid, That no person or persons who by virtue of any order or warrant, mediately or immediately derived from his late Majesty, or his Majesty that now is, or by virtue of any act, ordinance or order of any or both houses of parliament, or any of the authorities aforesaid, or any committee or committees acting under them or any of them, have seized, sequestred, levied, advanced or paid to any publick use, or into any publick treasury within this kingdom, any goods, chattels, debts, rents, sum or sums of money, belonging to any person or persons whatsoever, shall hereafter be sued, molested or drawn into question for the same, but that they and every of them shall be discharged against all persons, for so much and no more of the said goods, chattels, debts, rents, sum or sums of money, as their several and respective order of discharge or acquittances extend unto.

Goods, &c. sequestred and actually paid into any publick treasury.

XXX. Provided also, That nothing herein contained shall extend to discharge any person or persons who have been by private order or instructions employed and intrusted, or have undertaken the employment, to receive any sum or sums of money for the King's majesty's service or supply, since the year one thousand six hundred forty and eight, from making their accounts for the same.

Persons who have received money privately for his Majesty's supply, to account.

XXXI. Pro-

Monies received upon decimation not pardoned.

XXXI. Provided also, That this act shall not extend to pardon or discharge from account to the King's majesty any person or persons, for any sum or sums of money received for that illegal tax of decimation, or upon the account of any militia settled or acted in, since one thousand six hundred forty and eight, and not accounted for or paid over, or discharged to or by any that had authority or pretended authority to discharge the respective receivers of the same.

Persons that have had directions or instructions from his Majesty, and have betrayed their trust, or his Majesty's councils, excepted.

XXXII. Provided also, That if any person or persons, being his Majesty's menial servant or servants, or having or pretending to have received particular instructions or directions from his Majesty, have, during the time of such his or their relation unto his Majesty, or whilst he or they were acting or pretending to act for his Majesty's interest, in pursuance of the said instructions or directions, wilfully, maliciously and traitorously held intelligence with any foreign prince or princes, state or states, or with any person or persons usurping supreme authority in this kingdom or other his Majesty's dominions, or with their or either of their ministers or agents, and without his Majesty's licence, and to the intent to betray his Majesty's person or councils, or have received any sum or sums of money, or pension for such treachery; that then such person or persons, as to the offence in this proviso mentioned, shall be and is hereby excepted out of this act; any thing herein contained to the contrary notwithstanding; so as such person or persons be outlawed, or otherwise legally convicted of such offence or offences, within the space of two years from the five and twentieth day of *April* one thousand six hundred and sixty.

Duties of excise, and from farmers thereof, excepted.

XXXIII. Provided, That this act of general pardon, or any thing therein contained, shall not extend to the pardoning or discharging of any debts or sums of money due to or for the excise of any goods or merchandize, whereof any entries have been made in the custom-house, which have grown due since the twenty-fifth day of *March* one thousand six hundred fifty and eight, or to the pardoning or discharging of any debts or sums of money due to the farmers or pretended farmers of excise, since the twenty-fifth day of *March* one thousand six hundred and fifty-seven.

Persons excepted by name.

XXXIV. Provided also, That this act, nor any thing therein contained, shall extend to pardon, discharge, or give any other benefit whatsoever unto *John Lisle, William Soy, Sir Har- dres Waller, Valentine Walton, Thomas Harrison, Edward Whol- ley, William Heveningham, Isaac Pennington, Henry Martin, John Barkslead, Gilbert Millington, Edmond Ludlow, Sir Michael Livesey, Robert Titchbourn, Owen Row, Robert Lilbourn, Adrian Scroop, John Okey, John Hewson, William Goffe, Cornelius Holland, Thomas Challoner, John Carew, John Jones, Miles Corbet, Hen- ry Smith, Gregory Clement, Thomas Wozan, Edmond Har- vey, Thomas Scot, William Cawley, John Downs, Nicho- las Love, Vincent Potter, Augustine Garland, John Dixwel, George Fluct-*

Fleetwood, Simon Meyn, James Temple, Peter Temple, Daniel Blagrove, Thomas Wait, John Cook, Andrew Broughton, Edward Dendy, William Hewlet, Hugh Peters, Francis Hacker, Daniel Axtel, nor any of them, nor to those two persons, or either of them, who being disguised by frocks and vizors, did appear upon the scaffold erected before *Whitehall* upon the thirtieth of *January* one thousand six hundred forty and eight : (2) all which persons for their execrable treason in sentencing to death, or signing the instrument for the horrid murder, or being instrumental in taking away the precious life of our late sovereign lord *Charles the First*, of glorious memory, are left to be proceeded against as traitors to his late Majesty according to the laws of *England*, and are out of this present act wholly excepted and foreprized.

XXXV. *But in regard the said Owen Row, Augustine Garland, Edmond Harvey, Henry Smith, Henry Martin, Sir Hardress Waller, Robert Titchbourn, George Fleetwood, James Temple, Thomas Wait, Simon Meyn, William Heveningham, Isaac Pennington, Peter Temple, Robert Lilbourn, Gilbert Millington, Vincent Potter, Thomas Wogan and John Downs, have personally appeared and rendered themselves,* (according to the proclamation bearing date the sixth day of *June* one thousand six hundred and sixty, to summon the persons therein named, who gave judgment and assisted in the said horrid and detestable murder of our said late sovereign, to appear and render themselves) and do pretend thereby to some favour, upon some conceived doubtful words in the said proclamation ;

XXXVI. Be it enacted by this present parliament, and the authority of the same, (upon the humble desires of the lords and commons in parliament assembled) That if the said *Owen Rowe, Augustine Garland, Edmond Harvey, Henry Smith, Henry Martin, Sir Hardress Waller, Robert Titchbourn, George Fleetwood, James Temple, Thomas Wait, Simon Meyn, William Heveningham, Isaac Pennington, Peter Temple, Robert Lilbourn, Gilbert Millington, Vincent Potter, Thomas Wogan, and John Downs*, or any of them, shall be legally attainted for the horrid treason and murder aforesaid ; that then nevertheless the execution of the said person and persons so attainted shall be suspended, until his Majesty by the advice and assent of the lords and commons in parliament shall order the execution, by act of parliament to be passed for that purpose.

XXXVII. Except also out of this present act *Oliver Cromwell* deceased, *Henry Ireton* deceased, *John Bradshaw* deceased, and *Thomas Pride* deceased.

XXXVIII. Provided, That nothing in this act contained shall extend to discharge the lands, tenements, goods, chattels, rights, trusts, and other the hereditaments late of the said *Oliver Cromwell, Henry Ireton, John Bradshaw, and Thomas Pride*, or of *Isaac Ewer* deceased, *Sir John Danvers* deceased, *Sir Thomas Maleverer*, baronet, deceased, *William Purefoy* deceased, *John Blakiston* deceased, *Sir William Constable*, baronet, deceased.

Persons that appeared and rendered themselves.

The lands and goods of the persons rendering themselves not excepted.

order or appointment of the said trustees, or any of them, or otherwise.

Bonds taken in his Majesty's name before May 1642. for securities of any his Majesty's receivers, not pardoned. &c.

XLVI. Provided also, That this act do not extend to pardon any bond taken in his late Majesty's name before the month of *May* one thousand six hundred forty-two, for securing the proper debt of any servant or receiver of the revenue of his said late Majesty, that hath not been paid to, or by order of some lawful or pretended authority. *And whereas by an order of the six and twentieth day of May in the year one thousand six hundred forty-one, the then house of commons in parliament did accept the sum of one hundred and fifty thousand pounds, as a composition from the farmers of several customs voted to be illegally taken, and some of the said farmers did procure and pay the said whole sum of one hundred and fifty thousand pounds at the desire of the said house of commons, and upon their declaration, that such of the said farmers as did not pay their proportions, should not be pardoned, but proceeded against, and out of their fines satisfaction should be made to those who had paid the said one hundred and fifty thousand pounds; and in pursuance thereof did on the first of June then next following resolve, that the estates of such persons, living or dead, as have by colour of any patent received monies from the subjects, under pretence of such customs, or have been under-sharers with the patentees, ought to be made liable to restitution :*

Payments upon proportions of 150000 l. upon the customs.

XLVII. It is therefore provided, That this act shall not extend, nor be construed to extend, to pardon or indemnify any person or persons, their heirs, executors, administrators or assigns, who have not paid their proportions of the said one hundred and fifty thousand pounds, or ought to have been contributory thereunto, from or against misdemeanors or offences relating to the said customs, or from payment of their proportions : but that the estates of the dead, as well as of the living, of such who ought to have been contributory, in whole possession soever (purchasers *bona fide*, and upon valuable considerations only excepted) shall continue and be charged and chargeable with the payment of their proportions, to all intents and purposes as if this act had not been made; any thing herein contained to the contrary notwithstanding.

Arrears of excise upon beer and ale.

XLVIII. Provided also, That this act, or any thing therein contained, shall not extend or be construed to pardon or discharge any sum or sums of money due and arrear for excise of beer, ale, or other native or inland commodity, since the twenty-fourth day of *June* one thousand six hundred fifty and nine.

Monies due for free quarter.

XLIX. Provided also, That nothing in this act contained shall extend to the pardoning or discharging of any sum or sums of money due from any officers or soldiers to any of the subjects of this kingdom for free quarter, since the second day of *July* one thousand six hundred fifty and nine, or to discharge any monies borrowed by any officers for preventing of free quarter.

. L. Pro-

L. Provided always, and be it enacted by the authority aforesaid, That no conveyance, assurance, grant, bargain, sale, charge, lease, assignment of lease, grants and surrenders by copy of court-roll, estate, interest, trust or limitation of any use or uses of any messuages, lands, tenements or hereditaments, not being the lands nor hereditaments of the late King, Queen, prince, or of any archbishops, bishops, deans, deans or chapters, not being lands or hereditaments sold or given, or appointed to be sold or given, for the delinquency, or pretended delinquency of any person or persons whatsoever; by virtue or pretext of any act, order or ordinance, or reputed act, order or ordinance since the first day of *January* one thousand six hundred forty and one: (2) nor any statute, judgment or recognizance, had, made, acknowledged or suffered to any person or persons, bodies politick or corporate, before the nine and twentieth day of *September* one thousand six hundred fifty and nine, by any of the persons before in this act by name excepted, or their heirs, or by any other person or persons claiming by, from or under them or any of them, other than the wife or wives, child, children, heir or heirs of such person and persons, or any of them, for money *bona fide* to them or any of them paid or lent, nor any conveyance, assurance, grant or estate made before the five and twentieth day of *April* one thousand six hundred and sixty, by any person or persons to any such person or persons excepted by name, as aforesaid; in trust and for the benefit of any other person or persons, bodies politick or corporate, not excepted by name; as aforesaid, shall be impeached, defeated, made void, or frustrated hereby, or by the attainder or conviction of any such excepted person or persons; (3) but that the same shall be held and enjoyed by the purchasers, grantees, assignees, *cestuy que use*; *cestuy que trust*, and every of them, their heirs, executors, administrators and assigns respectively; as if this act had not been made, and as if the said person or persons had not been excepted, attainted or convicted; any law, statute, usage or custom to the contrary thereof in any wise notwithstanding:

Purchasers *bona fide* of lands, other than the King's, &c. to enjoy their purchases.

LI. Provided always, That this act, nor any thing therein contained, shall not extend to indemnify any person or persons whatsoever, who have entered into any messuages, lands, tenements and hereditaments, called *fabrick* lands, or possess themselves of any rent or revenues given for the repair of any cathedral or other church, or who have sacrilegiously enriched themselves by converting the plate, or utensils and materials, of or belonging to any such churches, to their own private use and advantage, for or in respect of the said crimes only. 13 Car. 2. Stat. 1.

Fabrick lands, church goods and utensils.

order or appointment of the said trustees, or any of them, otherwise.

Bonds taken in his Majesty's name before May 1642. for securities of any his Majesty's receivers, not pardoned.
&c.

XLVI. Provided also, That this act do not extend to pardon any bond taken in his late Majesty's name before the month of May one thousand six hundred forty-two, for securing the proper debt of any servant or receiver of the revenue of his said late Majesty, that hath not been paid to, or by order of some lawful or pretended authority. *And whereas by an order the six and twentieth day of May in the year one thousand six hundred forty-one, the then house of commons in parliament did accept the sum of one hundred and fifty thousand pounds, as a composition from the farmers of several customs voted to be illegally taken, and some of the said farmers did procure and pay the said whole sum of one hundred and fifty thousand pounds at the desire of the said house of commons and upon their declaration, that such of the said farmers as did not pay their proportions, should not be pardoned, but proceeded against, and out of their fines satisfaction should be made to those who had paid the said one hundred and fifty thousand pounds; and in pursuance thereof did on the first of June then next following resolve, that the estates of such persons, living or dead, as have by colour of any patents received monies from the subject, under pretence of such customs or have been under-sharers with the patentees, ought to be made liable to restitution :*

Payments upon proportions of 150000 l. upon the customs.

XLVII. It is therefore provided, That this act shall not extend, nor be construed to extend, to pardon or indemnify any person or persons, their heirs, executors, administrators or assigns, who have not paid their proportions of the said one hundred and fifty thousand pounds, or ought to have been contributory thereunto, from or against misdemeanors or offences relating to the said customs, or from payment of their proportions : but that the estates of the dead, as well as of the living, of such who ought to have been contributory, in whole possession forever (purchasers *bona fide*, and upon valuable considerations only excepted) shall continue and be charged and chargeable with the payment of their proportions, to all intents and purposes as if this act had not been made; any thing herein contained to the contrary notwithstanding.

Arrears of excise upon beer and ale.

XLVIII. Provided also, That this act, or any thing therein contained, shall not extend or be construed to pardon or discharge any sum or sums of money due and arrear for excise of beer, ale, or other native or inland commodity, since the twenty-fourth day of June one thousand six hundred fifty and nine.

Monies due for free quarter.

XLIX. Provided also, That nothing in this act contained shall extend to the pardoning or discharging of any sum or sums of money due from any officers or soldiers to any of the subjects of this kingdom for free quarter, since the second day of July one thousand six hundred fifty and nine, or to discharge any monies borrowed by any officers for preventing of free quarter.

. L. Pro-

other force, effect and virtue, than as if such courts, judges, justices, commissioners, officers and ministers, had acted by virtue of a true, just and legal authority, and as if the same and the entry and inrolment thereof were in *Latin*, and as if the several acts and ordinances or pretended acts or ordinances made by both or either houses of parliament, or any convention assembled under the name of a parliament, or by *Oliver Cromwell* late stiled protector of the commonwealth of *England*, *Scotland* and *Ireland*, and the dominions thereto belonging, and his council warranting or directing such proceedings, had been good, true and effectual acts of parliament.

II. And whereas, since the death of the late King, several fines have been levied, without any entry or due entring of any sum paid pro licentia concordandi, commonly called the King's silver, and without entry or due entry of any sum given to the party for the concord; (2) and also whereas in the term of St. Michael last past, several fines were levied and recorded in the court of common pleas before one judge only of the said court:

Fines levied without entry of licentia concordandi. 1 Geo. 2. stat. 1. c. 1. l. 4.

III. Be it enacted, That the said fines and proclamations thereupon, and every of them, shall be good and effectual, notwithstanding the defects aforesaid.

IV. And be it also further enacted, That all fines, proclamations of fines, recoveries, and other judicial proceedings in the court of common pleas at *Westminster*, since the death of his late Majesty King *Charles* the first, had, levied or suffered, of any lands lying in the county palatine of *Durham*, shall be good and effectual, notwithstanding the said lands were lying in the said county palatine.

Fines and recoveries of lands in com. palatin. *Durham*.

V. Provided, That this act or any thing therein contained shall not be construed, deemed, or adjudged to make good, allow, confirm or countenance any the proceedings in the late illegal and unwarranted high courts of justice, or, so called, or any of them: (2) and whereas since the first day of May in the year of our Lord one thousand six hundred forty-one, and before the five and twentieth day of April in the year of our Lord one thousand six hundred and sixty, there were divers persons that adhered to both houses of parliament, who, for or in respect of such their adherence, were indicted, charged or impeached of treason: (3) and whereas since the said first day of May in the year of our Lord one thousand six hundred forty-one, and before the said five and twentieth day of April in the year of our Lord one thousand six hundred and sixty, divers persons who adhered to his Majesty, or to the late King, were for such their adherence, charged, impeached or indicted of high treason:

The illegal acts and proceedings of the high court of justice not allowed.

VI. Be it further provided and enacted, That the said charges, impeachments, indictments, and all exigents, outlawries, and convictions and attainders thereupon, and all letters patents and grants thereupon made, of any manors, lands, tenements or hereditaments, escheated or forfeited by reason of such attainder, and all title to any mesne profits by reason of such conviction, outlawry, attainder or grant, be from henceforth

Indictments, &c. and all grants thereupon made void.

CAP. XII.

An act for confirmation of judicial proceedings.

What acts and proceedings shall not be avoided.

BE it enacted, and it is enacted by his Majesty, and by the lords and commons in parliament assembled, and by the authority of the same, That no fines, nor final concords, nor rographs, nor proclamations of fines, nor any recoveries, verdicts, judgments, statutes, recognizances, nor inrolments, nor any deeds or wills, or of any such fines, proclamations, recoveries, verdicts, judgments, statutes or recognizances, nor exemplifications of them nor any of them, nor any inquisitions, indictments, presentments, informations, decrees, sentences, probates of wills, nor letters of administration, nor any writs, actings on or returns of writs, orders or other proceedings in law or equity, had, made, given, taken or done, or depending in the courts of chancery, King's bench, upper bench, common pleas and court of exchequer, and court of exchequer chamber, or any of them, sitting at *Westminster*, or in the courts of the great sessions in *Wales*, the courts of any county palatine or duchy of *Lancaster*, or town of *Berwick upon Tweed*, or in any other inferior courts of law or equity, or by any the judges, clerks, officers, sheriffs, coroners or ministers, or other acting in obedience to them or any of them, or by any the courts of admiralty, delegates, justices of assize, *nisi prius*, *oyer and terminer*, gaol-delivery, justices of the peace, commissioners of sewers, bankrupts, or charitable uses, nor any acting process, proceedings nor executions thereupon had, made, given, done or suffered in the kingdom of *England* since the first of *May* one thousand six hundred forty-two, shall be avoided for want or defect of any legal power in the said courts, judges, commissioners, justices or any of them; (2) or for or by reason that the premisses or any of them were commenced, prosecuted, had, made, held or used in the name, stile or title of the late King, or in the name, stile, title or test of *custodes libertatis Angliæ autoritate parliamenti*, or in the name, stile, title or test of *The keepers of the liberty of England by authority of parliament*, or in the name, stile, title or test of *Oliver lord protector of the commonwealth of England, Scotland and Ireland, and the dominions thereunto belonging*, or of *Oliver lord protector of the commonwealth of England, Scotland and Ireland, and the dominions and territories thereunto belonging*, or the name, stile, title or test of *Richard lord protector of the commonwealth of England, Scotland and Ireland, and the dominions and territories thereunto belonging*, or for or by reason of any alteration of the said names, stiles or titles: (3) or for that the said fines, recoveries, process, pleadings, proceedings and other things before-mentioned, or the entry and inrolment of them or any of them, were in the *Latin* or *English* tongue; (4) but that all and every such fines, recoveries and other things above-mentioned, and the actings, doings and proceedings thereupon, shall be of such and of no other

other, or barons of the exchequer, serjeants at law, commissions of sewers, commissions of bankrupts or of charitable uses, made or constituted by or in the name or stile of any the late pretended powers or authorities.

X. Provided always, That it shall and may be lawful to and for every person or persons who shall find themselves grieved or damaged by any judgment, fine, recovery, decree or sentence given, made, levied, granted or pronounced, in any of the said courts, to proceed in due form of law, either by writ of error, bill of review, appeal or other lawful remedy, for the reversing, annulling or revoking of the same, in such manner as they might at any time heretofore have done, if the said courts had been established by lawful authority, other than for those errors and defects which are remedied or provided for by this act. Writs of error may be brought.

XI. Provided always, and be it further enacted by the authority aforesaid, That no non-claim upon or after any fine or fines hereby made good or confirmed, shall extend or be construed to bar or prejudice any person or persons, their heirs or successors, or their executors or trustees (other than the parties to the said fines and their heirs general and special, and his and their trustees) as concerning such right, claim and interest, as they had in or to any lands, tenements or other hereditaments, which by colour of any act, order or ordinance of both or either houses of parliament, or any convention sitting at Westminster under the name or stile, or assuming the name or stile, of a parliament, since the first day of May in the year of our Lord one thousand six hundred forty and two, and before the five and twentieth day of April in the year of our Lord one thousand six hundred and sixty, were sold, conveyed or disposed, as then or late the lands, tenements and hereditaments of the King, Queen or Prince, or of archbishops, bishops, deans, deans and chapters, or other ecclesiastical persons, or as the lands, tenements and hereditaments of any other persons for their adherence to the late King or his Majesty that now is, or for any their doings relating to or in respect of the late troubles; (2) so always that the said person or persons aforesaid, their heirs or successors, pursue their title, claim or interest, by way of action or lawful entry, within five years next after the nine and twentieth day of May in the year of our Lord one thousand six hundred and sixty. Non-claim upon fines of lands sold by ordinance of parliament.

XII. And although in this confirmation of judicial proceedings, it was necessary to mention divers pretended acts and ordinances, by the names and stiles which those persons then usurped who took upon them to pass the same, namely, some by the stile and name of the keepers of the liberty of England by authority of parliament; and others by the name and stile of protectors of the commonwealth of England, Scotland and Ireland, and the dominions and territories therunto belonging: (2) yet this present parliament doth declare, and it is further enacted by authority of the same, That the names and stiles aforesaid, and every of them, are most rebellious, wicked, The late government declared to be usurped.

repealed and discharged: (2) and that all escheats, forfeitures and confiscations, by reason of such outlawries, conviction attainer, be and are hereby restored unto such persons so outlawed, convicted or attainted, their heirs, executors and ministrators respectively, as if no such attainer had been.

Sales made by ordinance of parliament.

VII. Provided nevertheless, and be it enacted, That act or any thing herein contained shall not extend to avoid confirm any sales or estates made by virtue or pretence of act, order or ordinance, or reputed act, order or ordinance of parliament, since the first day of *May* in the year of our Lord one thousand six hundred forty-two, nor any confirmations thereof made or to be made thereof in this present parliament but that such sales stand and be in the same plight and condition as they should or might have done, if this act had not been made.

Recognizances, obligations, &c. in the names of the late protectors.

VIII. And be it further enacted by the authority aforesaid That all recognizances, obligations or other securities, made or given to the keepers of the liberty of *England* by authority of parliament, or to *Oliver* lord protector of the commonwealth of *England*, *Scotland* and *Ireland*, and the dominions thereunto belonging, or to *Oliver* lord protector of the commonwealth of *England*, *Scotland* and *Ireland*, and the dominions and territories thereunto belonging, or to *Richard* lord protector of the commonwealth of *England*, *Scotland* and *Ireland*, and the dominions and territories thereunto belonging, and not pardoned or discharged by any act passed or to be passed this present parliament or otherwise, (other than such recognizances, obligations or securities, as have been made and given to any the pretended powers or persons aforesaid, or to any deriving or pretending to derive authority from them, by any person or persons, or by reason of their adherence to his Majesty or his said late royal father, or related to or arising only upon or in respect of the late troubles; all which are hereby declared to be void, and to be delivered up to be cancelled;) (2) and all judgments, extents, inquisitions, executions and seizures had for the said keepers or protectors, or any of them, and not likewise pardoned or discharged, other than as aforesaid, shall and may be had and prosecuted in the name and to the use of his Majesty his heirs or successors; (3) and also excepting all obligations, bonds or recognizances entred into to the said keepers or protectors or any of them, by any person or persons, by order or direction of any council of state, committee of safety, major generals, decimators or any officer or other person under them or any other military power; all which obligations, bonds and recognizances are hereby discharged and declared to be null and void to all intents and purposes.

Justices, serjeants, &c. commissioners of sewers.

IX. Provided also, and be it enacted, That this act or any thing therein contained shall not extend to continue, after the eighth day of *May* in the year of our Lord one thousand six hundred and sixty, any justice or justices of one bench or other

said for payment of any principal or money to be lent, or covenanted to be performed, upon or for any usury, whereupon or whereby there shall be reserved or taken above the rate of six pounds in the hundred, as aforesaid, shall be utterly void: (3) and that all and every person or persons whatsoever, which shall after the time aforesaid, upon any contract to be made after the said twenty-ninth day of *September*, take, accept and receive, by way or means of any corrupt bargain, loan, exchange, chevifance, shift, or interest of any wares, merchandize, or other thing or things whatsoever, or by any deceitful way or means, or by any covin, engine or deceitful conveyance, for the forbearing or giving day of payment for one whole year, of and for their money or other thing, above the sum of six pounds for the forbearing of one hundred pounds for a year, and so after that rate for a greater or lesser sum, or for a longer or shorter term, shall forfeit and lose for every such offence the treble value of the monies, wares, merchandize and other things so lent, bargained, sold, exchanged or shifted.

III. And be it further enacted by the authority aforesaid, That all and every scrivener and scriveners, broker and brokers, solicitor and solicitors, driver and drivers of bargains for contracts, who shall after the said twenty-ninth day of *September* take or receive directly or indirectly any sum or sums of money, or other reward or thing, for brokage, soliciting, driving or procuring the loan, or forbearing of any sum or sums of money, over and above the rate or value of five shillings for the loan or forbearing of one hundred pounds for a year, and so rateably, or above twelve-pence for the making or renewing of the bond or bill for loan, or for forbearing thereof, or for any counter-bond or bill concerning the same, shall forfeit for every such offence twenty-pounds, and have imprisonment for half a year; (2) the one moiety of all which forfeitures to be to the King our sovereign lord, his heirs and successors; and the other moiety to him or them that will sue for the same in the same county where the several offences are committed, and not elsewhere, by action of debt, bill, plaint or information; in which no essoin, wager of law or protection to be allowed. Confirmed by 13 Car. 2. stat. 1. c. 14.

C. A. P. XIV.

An act for a perpetual anniversary thanksgiving on the nine and twentieth day of May.

FORASMUCH as Almighty God the King of kings, and sole disposer of all earthly crowns and kingdoms, hath by his all-swaying providence and power miraculously demonstrated in the view of all the world his transcendent mercy, love and graciousness, towards his most excellent Majesty Charles the Second, by his especial grace, of England, Scotland, France and Ireland, King, defender of the true faith, and all his Majesty's loyal subjects of this his kingdom of England, and the dominions thereunto annexed, by his Majesty's late most wonderful,

The wonderful power and goodness of God in the restoration of his Majesty.

ed, traiterous and abominable usurpations, detested by this present parliament, as opposite in the highest degree to his Majesty's most just and undoubted right, to whom and to his heirs and lawful successors, the imperial crowns of the realm of England, Scotland and Ireland, with their and every of their dominions and territories do of right appertain, and as violating and infringing the just rights and privileges of parliament and both houses thereof now assembled, or that hereafter shall be called and assembled.

Indictments
of treason, &c.
for levying
war against
Oliver Crom-
well, &c. made
void.

XIII. Provided always, and be it enacted, That all and every pretended indictment or indictments, outlawries, inquisition and all proceedings thereon, of high treason, against any person or persons whatsoever, for levying war against the late tyrant Oliver Cromwell, the pretended keepers of the liberty of England or any other usurped power, shall be from henceforth void and of none effect in law: (2) and that all grants, conveyances, leases, devices, assurances, statutes, recognizances and judgments for debt, damages heretofore had, made or suffered by any person, or his heirs, whose conviction, utlagary or attainder is by this act discharged or made void, shall be of the same force and effect as if no such conviction, outlawry or attainder had been. *Confirmed by 13 Car. 2. stat. 1. c. 7.*

C A P. XIII.

An act for the restraining the taking of excessive usury.

None shall
take above six
pounds for
the loan of
an hundred
pounds for a
year.
12 Ann. stat. 2.
c. 16.

FORASMUCH as the abatement of interest from ten in the hundred in former times hath been found by notable experience beneficial to the advancement of trade and improvement of lands by husbandry, with many other considerable advantages to this nation, especially the reducing of it to a nearer proportion with foreign states with whom we traffick: (2) and whereas in fresh memory to like fall from eight to six in the hundred, by a late constant practice hath found the like success, to the general contentment of this nation as is visible by several improvements: (3) and whereas it is the endeavour of some at present to reduce it back again in practice to the allowance of the statute still in force to eight in the hundred, to the great discouragement of ingenuity and industry in the husbandry, trade and commerce of this nation:

The penalty.

II. Be it, for the reasons aforesaid, enacted by the King most excellent majesty, and the lords and commons in this present parliament assembled, That no person or persons whatsoever, from and after the twenty-ninth day of September in the year of our Lord one thousand six hundred and sixty, upon any contract, shall from and after the said twenty-ninth of September take directly or indirectly for loan of any monies, wares, merchandize or other commodities whatsoever, above the value of six pounds for the forbearance of one hundred pounds for a year, and so after that rate for a greater or less sum, or for a longer or shorter time: (2) and that all bonds, contracts and assurances whatsoever, made after the time aforesaid

said for payment of any principal or money to be lent, or covenanted to be performed, upon or for any usury, whereupon or whereby there shall be reserved or taken above the rate of six pounds in the hundred, as aforesaid, shall be utterly void: (3) and that all and every person or persons whatsoever, which shall after the time aforesaid, upon any contract to be made after the said twenty-ninth day of *September*, take, accept and receive, by way or means of any corrupt bargain, loan, exchange, chevifance, shift, or interest of any wares, merchandize, or other thing or things whatsoever, or by any deceitful way or means, or by any covin, engine or deceitful conveyance, for the forbearing or giving day of payment for one whole year, of and for their money or other thing, above the sum of six pounds for the forbearing of one hundred pounds for a year; and so after that rate for a greater or lesser sum, or for a longer or shorter term, shall forfeit and lose for every such offence the treble value of the monies, wares, merchandize and other things so lent, bargained, sold, exchanged or shifted.

III. And be it further enacted by the authority aforesaid, That all and every scrivener and scriveners, broker and brokers, solicitor and solicitors, driver and drivers of bargains for contracts, who shall after the said twenty-ninth day of *September* take or receive directly or indirectly any sum or sums of money, or other reward or thing, for brokerage, soliciting, driving or procuring the loan, or forbearing of any sum or sums of money, over and above the rate or value of five shillings for the loan or forbearing of one hundred pounds for a year, and so rateably, or above twelve-pence for the making or renewing of the bond or bill for loan, or for forbearing thereof, or for any counter-bond or bill concerning the same, shall forfeit for every such offence twenty-pounds, and have imprisonment for half a year; (2) the one moiety of all which forfeitures to be to the King our sovereign lord, his heirs and successors; and the other moiety to him or them that will sue for the same in the same county where the several offences are committed, and not elsewhere, by action of debt, bill, plaint or information; in which no essoin, wager of law or protection to be allowed. Confirmed by 13 Car. 2. stat. 1. c. 14.

C. A. P. XIV.

An act for a perpetual anniversary thanksgiving on the nine and twentieth day of May.

FORASMUCH as Almighty God the King of kings, and sole disposer of all earthly crowns and kingdoms, hath by his all-swaying providence and power miraculously demonstrated in the view of all the world his transcendent mercy, love and graciousness, towards his most excellent Majesty Charles the Second, by his especial grace, of England, Scotland, France and Ireland, King, defender of the true faith, and all his Majesty's loyal subjects of this his kingdom of England, and the dominions thereunto annexed, by his Majesty's late most wonderful,

The wonderful power and goodness of God in the restoration of his Majesty.

ful glorious, peaceable and joyful reformation to the actual possession and exercise of his undoubted hereditary sovereign and regal authority over them, (after sundry years forced extermination into foreign parts, by the most traitorous conspiracies and armed power of usurping tyrants and execrable perfidious traitors) and that without the least opposition or effusion of blood, through the unanimous, cordial, loyal votes of the lords and commons in this present parliament assembled, and passionate desires of all other his Majesty's subjects; (2) which unexpressed blessing (by God's own most wonderful dispensation) was accomplished on the twenty-ninth day of May last past, being the most memorable birth-day, not only of his Majesty, both as a man and prince, but likewise as an actual King, and of this and other his Majesty's kingdoms, all in a great measure new-born and raised from the dead on this most joyful day, wherein many thousands of the nobility, gentry, citizens, and other his lieges of this realm, conducted his Majesty into his royal cities of London and Westminster, with all possible expressions of their publick joy and loyal affections, in far greater triumph than any of his most victorious predecessors Kings of England returned thither from their foreign conquests; (3) and both his Majesty's houses of parliament, with all dutiful and joyful demonstrations of their allegiance, publicly received and cordially congratulated his Majesty's most happy arrival, and investiture in his royal throne, at his palace at Whitehall: Upon all which considerations, this being the day which the Lord himself hath made and crowned with so many publick blessings and signal deliverances, both of his Majesty and his people, from all their late most deplorable confusions, divisions, wars, devastations and oppressions: To the end that it may be kept in perpetual remembrance in all ages to come, and that his sacred Majesty with all his subjects of this realm, and the dominions thereof, and their posterities after them, might annually celebrate the perpetual memory thereof, by sacrificing their unfeigned hearty publick thanks thereon to Almighty God, with one heart and voice, in a most devout and christian manner, for all these publick benefits received and conferred on them upon this most joyful day; (5) Be it therefore enacted by the King's most excellent Majesty, the lords and commons in this present parliament assembled, and by the authority of the same, That all and singular ministers of God's word and sacraments, in every church, chapel, and other usual place of divine service and publick prayer, which now are or hereafter shall be within this realm of England, and the respective dominions thereof and their successors, shall in all succeeding ages annually celebrate the twenty-ninth day of May, by rendering their hearty publick praises and thanksgivings unto Almighty God for all the fore-mentioned extraordinary mercies, blessings and deliverances received, and mighty acts done thereon, and declare the same to all the people there assembled, and the generations yet to come, that so they may for ever praise the Lord for the same, whose name alone is excellent, and his glory above the earth and heavens: (6) And be it further enacted, That all and every person and persons inhabiting within this kingdom, and the dominions thereunto belonging, shall upon

The unanimous & cordial affection of the lords and commons in parliament, and people in general.

The intent of keeping the said day.

The 29th of May to be annually celebrated.

All persons to resort to some church, chapel, or publick

upon the said day annually resort with diligence and devotion to some usual church, chapel or place where such publick thanksgivings and praises to God's most divine Majesty shall be rendered, and there orderly and devoutly abide during the said publick thanksgivings, prayers, preaching, singing of psalms, and other service of God there to be used and ministered:

place of thank-
giving on the
the said day.

II. And to the end that all persons may be put in mind of their duty thereon, and be the better prepared to discharge the same with that piety and devotion as becomes them: (2) Be it further enacted, That every minister shall give notice to his parishioners publickly in the church at morning prayer the Lord's day next before every such twenty-ninth day of May, for the due observation of the said day, and shall then likewise publickly and distinctly read this present act to the people. 13 Car. 2. stat. 1. c. 11.

Notice to be
given the next
Lord's day be-
fore.

CAP. XV.

An act for the speedy disbanding of the army and garrisons of this kingdom, with instructions for the same. EXP.

CAP. XVI.

An act for enabling the soldiers of the army now to be disbanded to exercise trades.

WHEREAS there are divers officers and soldiers now in the King's majesty's service, under the command of his excellency George duke of Albemarle, captain general of his Majesty's armies, who have been instrumental, by the blessing of Almighty God, to the happy restitution and restoration of his sacred Majesty unto his kingdoms and people, and to his just right of government in the kingdom of England, and the dominions and territories thereunto belonging; some of which are men that used trades, others that were apprentices to trades, who had not served out their times, and others who are apt and fit for trades, &c.

Soldiers in-
strumental in
his Majesty's
restoration.
Eliz. c. 4.
Such as were
in service un-
der General
Monk 25 April
1660, and in-
strumental in
his Majesty's
restitution,
may exercise
trades.

CAP. XVII.

An act for the confirming and restoring of ministers.

FOrasmuch as the confirming of some ecclesiastical persons and ministers in possession, and restoring of others who have been sequestered or ejected, and are fit to be restored in and to their several ecclesiastical benefices, livings and promotions, without force or suit of law, will much conduce to the peace and welfare of this church and kingdom; (2) Be it enacted by the King's most excellent majesty, with the advice and consent of the lords and commons in this present parliament assembled, and by authority of the same, That every ecclesiastical person or minister, being ordained by any ecclesiastical persons before the five and twentieth day of December last past, being of the age of four and twenty years, and having not renounced his ordination, who hath been formerly since the first day of January in the year of our Lord one thousand six hundred forty-two, presented, nominated

Certain
ordained
ministers
having been in
actual posses-
sion restored.

nominated to, or placed in, and in actual possession, and taking the profits of any ecclesiastical benefice, rectory, parsonage, vicarage, church, chapel, cure, or other ecclesiastical promotion with cure of souls, within this realm of *England*, donation of *Wales*, or town of *Berwick upon Tweed*, which has become void, either by death, voluntary resignation or surrender, or other avoidance, to the patron, or any other person pretending to have title to accept of resignations, since the first day of *January*, and before the said five and twentieth day of *December* last past, and was on the said five and twentieth day of *December* in possession, and received the profits thereof being in the gift, donation, presentation, collation or nomination of the King's majesty that now is, or of his late royal father King *Charles* the First, in right of the crown, or by reason of wardship or any other title, or of any archbishop, bishop, dean, dean and chapter, prebend, archdeacon, body politic or corporate, or of any other person or persons whatsoever, other than such as are hereby restored, shall be and hereby declared, adjudged and enacted to have been, be and continue the real and lawful incumbent, parson, rector, vicar and possessor of the said ecclesiastical benefices, livings and promotions respectively, to all intents and purposes whatsoever, as if he or they had been nominated, presented, collated, admitted, instituted and inducted thereunto, or placed therein, in due form of law, and had read and subscribed the articles according to the statute in that case made and provided, and notwithstanding any other matter or thing by him or them done or omitted to be done; (3) and that as well against the King's majesty, and against his heirs and successors, as against all and every other person and persons, bodies politic and corporate whatsoever, and their respective successors, heirs, executors, administrators and assigns; (4) saving to the patrons and every of them their just right of patronage, donation, presentation, collation or nomination, upon the next avoidance of every such ecclesiastical person, minister or incumbent hereby confirmed as is aforesaid, in as full and ample manner as if this act had not been made.

13 Eliz. c. 12.
s. 3.

The King
bound.

The next avoidance to be
in the rightful
patrons.

Voluntary resignations
confirmed.

The former presentations,
&c. shall make
no usurpation.

II. And be it enacted by the authority aforesaid, That every voluntary surrender or resignation made by any incumbent to the patron of any benefice, or to any late pretended powers since the said first day of *January*, of any ecclesiastical benefice or promotion, shall be adjudged as an effectual avoidance of such benefice or promotion, as if the same had been made to the competent ordinary, and accepted by him.

III. And be it further enacted, That no presentation, collation or disposition aforesaid, nor confirmation by this act, of any parson or minister, in or to any ecclesiastical benefices, livings or promotions aforesaid, shall be construed or adjudged to amount to any usurpation in law, to the prejudice of any person or persons, bodies politic or corporate, who have or shall

said first of *January* one thousand six hundred forty-two, who hath therefore had no order nor agreement for his fifths as have accrued due or payable out of such ecclesiastical benefice, living or promotion, during such time as he hath been possessed thereof, to such parson or minister as hath been formerly ejected or sequestered out of the same.

IX. And whereas divers fifths, or sums of money in lieu thereof, are in arrear and unpaid by such as have been formerly possessed of fifths. *Arrears of fifths.* (1) it is further enacted by authority aforesaid, That every ecclesiastical person or minister now living, or the executors or administrators of every ecclesiastical person or minister deceased, to whom any fifths, or sums of money in lieu thereof, are or were due or payable by any such order and agreement, or to the said Mr. *Honywood* as aforesaid, and are yet in arrear, shall have the said fifths or sums of money in arrear as aforesaid, paid unto them respectively; (2) and they are hereby respectively enabled to recover the same by action of debt at the common law, to be brought against every such parson or minister who ought to have paid the same by virtue of any such order and agreement or to the said Mr. *Honywood* as aforesaid, during the respective possession of such ecclesiastical benefice, living or promotion, of or for which the said fifths, or sums of money in lieu thereof, were or ought to have been or to be paid; in all which actions, no essoin, wager of law or protection shall be allowed: (3) and that no person to whom fifths have been formerly paid shall be hereafter questioned for the same.

X. And be it also enacted, That every such ecclesiastical person or minister, that is or shall be by virtue of this act removed out of or confirmed in any such benefice, living or promotion, which now is or hath been possessed as aforesaid, his or their executors, administrators and assigns, shall be and is respectively enabled to have, hold and enjoy all the mean profits already received, and to receive, recover, collect or compound for and enjoy all and every the arrears of tithes, profits or duties thereunto belonging or which shall belong thereunto, incurred during such time as he was so possessor thereof, and before or until the feast of St. *Michael* the archangel now next ensuing, and to sue for the same in any court of common law or equity, as if he or they had been and were the true and lawful incumbent or possessor of such aforesaid ecclesiastical benefice, living or promotion. *Arrears of tithes.*

XI. Provided also, and be it enacted by the authority aforesaid, That if any minister or other such ecclesiastical person as aforesaid, having any ecclesiastical benefice or living with cure of souls, who is before in and by this act declared, adjudged and enacted to continue the real and lawful incumbent thereof, which hath petitioned to bring the late King *Charles* of blessed memory to trial, or which hath by writing, preaching, printing or any other open act, procured, endeavoured or justified the murder of the late King, or which hath by preaching, printing, writing, *Persons re-*
stored, how to be qualified.

minister who by virtue of this act is confirmed in any ecclesiastical benefice or living with cure of souls, which shall have more than one ecclesiastical benefice or living with cure of souls, shall hold and enjoy only one of them, and no more, at his election; except where he hath formerly resigned or surrendered any of the said benefices or livings, and thereupon the right patron, or any other in his right, hath presented, collated, nominated, placed, or put into the same any other incumbent or minister as aforesaid, in which case the minister so to be confirmed shall and may retain and keep the benefice or living which he hath not so resigned or surrendered, as aforesaid.

The party to be restored may confirm the present possessor's right.

VII. And be it likewise enacted, That where the parson or minister formerly sequestred or ejected, shall declare his consent in writing before the commissioners appointed by this act, that the present possessor, being not scandalous, ignorant or insufficient, shall be and continue in such sequestred benefice, living or promotion, that in such case the present possessor shall be hereby settled and confirmed therein, as the sole and rightful incumbent and possessor thereof to all intents and purposes, any former statute or law to the contrary notwithstanding: (2) and that every parson or minister who shall be removed by the act, shall pay all tithes not pardoned, and repair or make satisfaction for all wilful or negligent dilapidations made or suffered by him, of, in or upon the premises or any of them, since the twenty-ninth of *September* last; (3) and shall likewise pay or satisfy all fifths, or any other sum in lieu of fifths, which were in arrear or unpaid at the feast of *St. Michael* the archangel last past, due or payable by him, by any order or orders not reversed, of any committees or commissioners formerly appointed and authorized by any pretended authority or authorities whatsoever, to grant or set out the same, or otherwise pay or satisfy all arrears then due of any sum or sums of money payable by agreement of the parties, and not since quitted by like agreement, the same to be ascertained by the said commissioners: (4) for payment whereof the minister so to be removed, before his removal shall also give his penal bond or bonds unto the minister to be restored, to pay the same before the five and twentieth of *December* next; and if he shall refuse to give such bond or bonds as aforesaid for the payment thereof, that then the minister so to be restored, shall be and is hereby enabled to bring an action of debt at the common law for the said arrears, and shall recover over and above the said debt the full value in damages, besides costs of suit.

Party removed to pay tithes, and answer for dilapidations.

And pay fifths.

Bond for them.

Action for them.

Fifths.
Raym. 57.
1 Keb. 344.
1 Sid. 88.

Mr. Honeywood.

VIII. And it is further enacted by the authority aforesaid, That every ecclesiastical person or minister now in possession of any ecclesiastical benefice, living or promotion, which shall continue and be settled therein by virtue of this act, shall pay all such arrears of fifths or other sums of money in lieu thereof, due or payable by him by any such order or orders, or agreement as aforesaid: or to Mr. *Honywood*, parson of *Kegworth* in *Leicestershire*, who hath been beyond sea since the said

hundred fifty and nine, and the same clerk so presented was refused to be admitted without any lawful cause, that then such clerk shall be taken, and is hereby enacted to be the perfect incumbent of such benefice, to all intents and purposes; any thing in this act to the contrary notwithstanding; unless such patron have since presented another clerk to such benefice who now is possessed thereof, or unless such clerk so presented and refused, as aforesaid, be since presented to and settled in some other benefice.

XV. Provided that this act, nor any thing therein contained, shall not extend or be construed to confirm or continue any person in any benefice or ecclesiastical living or preferment, which hath since the said five and twentieth day of *December* last voluntarily yielded up and left the possession of the said benefice or ecclesiastical living or preferment, and is still out of possession thereof, or which by any writing executed under his hand and seal, hath agreed to yield up and leave the possession thereof. None to be restored who deserted their livings.

XVI. Provided also, and it is hereby declared, That where there hath been any agreement between the persons concerned in this act for the acquittal of the minister who ought to have paid fifths of and from the same, or any part thereof, that in such case no fifths or satisfaction for fifths shall be claimed or paid contrary to the said agreement. Agreement made for fifths confirmed.

XVII. Provided always, and be it enacted, That all and every person and persons who have paid or satisfied by composition or otherwise, any tithes, pensions, oblations, obventions, rents, or other ecclesiastical duties belonging to any rectory, vicarage, or other ecclesiastical benefice or promotion, to any person or persons being in possession, or receiving the profits thereof by colour or pretence of any authority, or to their assigns, or any others claiming from, by or under them, shall be and are hereby discharged of and from the same tithes, pensions, oblations, obventions, rents and other ecclesiastical duties, against all and every person and persons whatsoever. Payments of tithes, &c. to the present possessors, a good discharge.

XVIII. Provided always, That neither this act, nor any thing therein contained, shall extend to confirm or establish the possession of the rectory of *Ewelme* in the county of *Oxon*, with *Thomas Cole*, or any other person or persons who have lately by virtue of any pretended title entered into the same; but that the said rectory be restored to *Robert Saunderson*, doctor in divinity, and *Regius Professor* in the university of *Oxon*, to be enjoyed by him and his successors, according to a grant made thereof by the late King *James* unto the *Regius Professor* of divinity for the time being, and his successors for ever. These rectories not within this act. Ewelme rectory.

XIX. Provided also, That nothing herein contained shall confirm or establish the possession of the rectory of *Somersham* in the county of *Huntington*, with any person who hath by virtue of any pretended title entered into the same; but that the said rectory be restored to doctor *Anthony Tuckney*, the present *Regius Professor* of divinity in the university of *Cambridge*, to be enjoyed

ting, or constant refusal to baptize, declared his judgment to be against infant-baptism, that then such minister or other ecclesiastical person shall not remain, continue and be or be taken to be the real, and lawful incumbent of the ecclesiastical benefice or living, but the same shall become, and is hereby declared to be void to all intents and purposes, as if the minister or other ecclesiastical person were dead, and that the patron who hath the next and immediate right to present unto the same, shall and may present unto the said ecclesiastical benefice or living, as in case of vacancy or avoidance by death of the incumbent; any thing in this act contained to the contrary thereof notwithstanding.

Justices of peace, commissioners to execute this act, without further suit.

XII. And it is further enacted; That the persons in commission of the peace in the several counties of this realm, the dominion of *Wales* and the town of *Berwick upon Tweed*, on the first day of *September* one thousand six hundred and six, within their respective counties, limits and precincts, or any five or more of them, living or dwelling next to the church or living to which any such parson or minister is to be referred, or from which any such parson or minister is to be removed, and who are no ways interested as patrons or parties in the patronage or tithes of the said church or living or any part thereof, shall be and are hereby constituted, appointed and authorized to be commissioners to execute all and singular the powers and authorities hereby granted within their respective counties and precincts, for and concerning the removing and restoring of such parsons and ministers as aforesaid, and all other the premises, and finally to determine all differences touching the same, until the five and twentieth of *December* next; and that all suits and actions in law or equity, and all proceedings and verdicts thereupon had or to be had, for, touching or concerning the premises or any of them, shall be and are hereby stayed, barred, annulled and avoided.

All former suits made void.

Certain leases made by ministers confirmed.

XIII. Provided always, and be it enacted, That all grants and leases made for a valuable consideration paid or given, of any copyhold or freehold lands belonging to any sequestered living or rectory (except the glebe and tithes) for three lives, or twenty-one years, according to former usage, wherein the ancient rent is reserved, made by any minister or ecclesiastical person possessed of the said rectory or living by any real or pretended authority, before the five and twentieth of *December* one thousand six hundred fifty-nine, shall continue as good and effectual in law to all intents against the ejected and sequestered incumbent to be restored, and all others as if they had been made by the proper incumbent.

Ministers refused to be approved by the pretended approvers, settled in their churches.

XIV. Provided always, and be it further enacted, That any rightful patron hath heretofore presented his clerk to any benefice with cure of souls, being then void, unto those persons who were styled commissioners for approbation of public preachers sitting at *Whitehall*, or the committee for plundered ministers, who sat in the year one thousand six

undred fifty and nine, and the same clerk so presented was refused to be admitted without any lawful cause, that then such clerk shall be taken, and is hereby enacted to be the perfect incumbent of such benefice, to all intents and purposes; any thing in this act to the contrary notwithstanding; unless such patron have since presented another clerk to such benefice who now is possessed thereof, or unless such clerk so presented and refused, as aforesaid, be since presented to and settled in some other benefice.

XV. Provided that this act, nor any thing therein contained, shall not extend or be construed to confirm or continue any person in any benefice or ecclesiastical living or preferment, which hath since the said five and twentieth day of *December* last voluntarily yielded up and left the possession of the said benefice or ecclesiastical living or preferment, and is still out of possession thereof, or which by any writing executed under his hand and seal, hath agreed to yield up and leave the possession thereof.

None to be restored who deserted their livings.

XVI. Provided also, and it is hereby declared, That where there hath been any agreement between the persons concerned in this act for the acquittal of the minister who ought to have paid fifths of and from the same, or any part thereof, that in such case no fifths or satisfaction for fifths shall be claimed or paid contrary to the said agreement.

Agreement made for fifths confirmed.

XVII. Provided always, and be it enacted, That all and every person and persons who have paid or satisfied by composition or otherwise, any tithes, pensions, oblations, obventions, rents, or other ecclesiastical duties belonging to any rectory, vicarage, or other ecclesiastical benefice or promotion, to any person or persons being in possession, or receiving the profits thereof by colour or pretence of any authority, or to their assigns, or any others claiming from, by or under them, shall be and are hereby discharged of and from the same tithes, pensions, oblations, obventions, rents and other ecclesiastical duties, against all and every person and persons whatsoever.

Payments of tithes, &c. to the present possessors, a good discharge.

XVIII. Provided always, That neither this act, nor any thing therein contained, shall extend to confirm or establish the possession of the rectory of *Ewelme* in the county of *Oxon*, with *Thomas Cole*, or any other person or persons who have lately by virtue of any pretended title entered into the same; but that the said rectory be restored to *Robert Saunderson*, doctor in divinity, and *Regius Professor* in the university of *Oxon*, to be enjoyed by him and his successors, according to a grant made thereof by the late King *James* unto the *Regius Professor* of divinity for the time being, and his successors for ever.

These rectories not within this act. Ewelme rectory.

XIX. Provided also, That nothing herein contained shall confirm or establish the possession of the rectory of *Somersham* in the county of *Huntington*, with any person who hath by virtue of any pretended title entered into the same; but that the said rectory be restored to doctor *Anthony Tuckney*, the present *Regius Professor* of divinity in the university of *Cambridge*, to be

Somersham rectory.

enjoyed by him and his successors, according to a former grant thereof made unto the *Regius Professor* of divinity for the time being, and his successors for ever; any thing herein contained to the contrary notwithstanding.

Oath to be
taken by per-
sons restored.

XX. Provided also, That this act, or any thing therein contained, shall not extend to confirm or restore any ecclesiastical person or minister in or to any benefice, living or ecclesiastical promotion, that shall refuse to take the oaths of allegiance and supremacy, being tendered unto such ecclesiastical person or minister, by the said commissioners, or any three of them, which said commissioners, and every three of them are hereby enabled and enjoined to administer the said oaths accordingly.

Presentations
under the
great seal.

XXI. Provided always, and be it enacted, That this act, or any thing herein contained, shall not prejudice the title of any person or persons to any ecclesiastical living, benefice or promotion with cure of souls in this act mentioned, who have been and shall be presented to such benefice or promotion by his Majesty under the great seal of *England*, between the first day of *May* in the year of our Lord one thousand six hundred and sixty, and the ninth of *September* in the same year; but that such presentees so presented by his Majesty as aforesaid, shall and may from and after the said twenty-ninth day of *September* enjoy the same benefices and promotions respectively, as if this act had not been made.

XXII. Nevertheless, it is declared and enacted, That such persons, as upon the twenty-fifth day of *December* one thousand six hundred fifty-nine were the possessors of such benefices and promotions shall not be charged by such presentees of his Majesty with or for any profits by them or any of them received before the said twenty-ninth day of *September*, but shall hold and enjoy the profits of such benefices and promotions respectively, until the said twenty-ninth day of *September*.

Kidlington
vicarage.

XXIII. Provided also, That this act, or any thing therein contained, shall not extend to confirm any person in the vicarage of *Kidlington* in the county of *Oxford*; but that the said vicarage shall remain as formerly annexed to the rectory of *Exeter-college* in *Oxford*; any thing in this act to the contrary notwithstanding.

Garlington
rectory.

XXIV. Provided also, That this act, or any thing therein contained, shall not extend to confirm any person in the rectory of *Garlington* in the county of *Oxford*, but that the said rectory shall remain as formerly annexed to the presidency of *Trinity-college* in *Oxford*; any thing in this act to the contrary notwithstanding.

Caster rectory.

XXV. Provided also, That this act, or any thing therein contained, shall not extend to confirm any person in the rectory of *Caster* in the county of *Northampton*, but that the said rectory shall remain as formerly annexed to the bishoprick of *Peterborough*; any thing in this act to the contrary notwithstanding.

XXVI. Pro

Majesty, his heirs and successors; and the other third part to him or them who shall seize, inform or sue for the same in any court of record, by bill, information, plaint or other action, wherein no essoin, protection or wager of law shall be allowed; (4) and all admirals and other commanders at sea of any the ships of war or other ship having commission from his Majesty or from his heirs or successors, are hereby authorized and strictly required to seize and bring in as prize all such ships or vessels as shall have offended contrary hereunto, and deliver them to the court of admiralty, there to be proceeded against; and in case of condemnation, one moiety of such forfeitures shall be to the use of such admirals or commanders and their companies, to be divided and proportioned amongst them according to the rules and orders of the sea in case of ships taken prize; and the other moiety to the use of his Majesty, his heirs and successors.

II. And be it enacted, That no alien or person not born within the allegiance of our sovereign lord the King, his heirs and successors, or naturalized, or made a free denizen, shall from and after the first day of *February*, which will be in the year of our Lord one thousand six hundred sixty-one, exercise the trade or occupation of a merchant or factor in any the said places; (2) upon pain of the forfeiture and loss of all his goods and chattels, or which are in his possession; one third to his Majesty, his heirs and successors; one third to the governor of the plantation where such person shall so offend; and the other third to him or them that shall inform or sue for the same in any of his Majesty's courts in the plantation where such offence shall be committed: (3) and all governors of the said lands, islands, plantations or territories, and every of them, are hereby strictly required and commanded, and all who hereafter shall be made governors of any such islands, plantations or territories, by his Majesty, his heirs or successors, shall before their entrance into their government take a solemn oath, to do their utmost, that every the aforementioned clauses, and all the matters and things therein contained, shall be punctually and *bona fide* observed according to the true intent and meaning thereof: (4) and upon complaint and proof made before his Majesty, his heirs or successors, or such as shall be by him or them thereunto authorized and appointed, that any the said governors have been willingly and wittingly negligent in doing their duty accordingly, that the said governor so offending shall be removed from his government.

Aliens shall not exercise the occupation of merchants or factors in the plantations.

Governors, &c. of plantations to take an oath for the observation of the aforementioned clauses.
Explained and enforced by
7 & 8 W. 3.
c. 22. f. 4.

III. And it is further enacted by the authority aforesaid, That no goods or commodities whatsoever, of the growth, production or manufacture of *Africa*, *Asia* or *America*, or of any part thereof, or which are described or laid down in the usual maps or cards of those places, be imported into *England*, *Ireland* or *Wales*, islands of *Guernsey* and *Jersey*, or town of *Berwick* upon *Tweed*, in any other ship or ships, vessel or vessels whatsoever, but in such as do truly and without fraud belong only to the people of *England* or *Ireland*, dominion of *Wales*, or town

For the importation of thrown silk,
see 2 W. & M.
c. 11. s. c. 9.

presentees shall be thereupon admitted, instituted and inducted, and after have and enjoy, and sue for and recover the possession, and from thenceforth take the whole and entire profits of the said benefices, livings and promotions, and shall be accounted and shall be full and perfect incumbents of the same to all intents and purposes, as fully and amply as if they had been presented and placed therein within six months next after the first avoidances, notwithstanding any lapse, or other title by reason of lapse, incurred or devolved to his late Majesty, or to the King's majesty that now is, or to any other person or persons, bodies politick or corporate; any thing in this present act or otherwise to the contrary hereof in any wise notwithstanding.

XXXII. Provided, That such presentees as have been or shall be presented by his Majesty as aforesaid, before the said ninth day of September in this present year one thousand six hundred and sixty, by title of lapse or otherwise as aforesaid, shall or may enjoy the same benefices and promotions respectively; the last mentioned clause or any other thing in this act contained to the contrary notwithstanding.

C A P. XVIII.

An act for the encouraging and increasing of shipping and navigation.

No goods shall be imported from the plantations, &c. but in English ships.

FOR the increase of shipping and encouragement of the navigation of this nation, wherein, under the good providence and protection of God, the wealth, safety and strength of this kingdom is much concerned; (1) be it enacted by the King's most excellent majesty, and by the lords and commons in this present parliament assembled, and by the authority thereof, That from and after the first day of December one thousand six hundred and sixty, and from thenceforward, no goods or commodities whatsoever shall be imported into or exported out of any lands, islands, plantations or territories to his Majesty belonging or in his possession, or which may hereafter belong unto or be in the possession of his Majesty, his heirs and successors, in Asia, Africa or America, in any other ship or ships, vessel or vessels whatsoever, but in such ships or vessels as do truly and without fraud belong only to the people of England or Ireland, dominion of Wales or town of Berwick upon Tweed, or are of the built of and belonging to any the said lands, islands, plantations or territories, as the proprietors and right owners thereof, and whereof the master and three fourths of the mariners at least are English; (2) under the penalty of the forfeiture and loss of all the goods and commodities which shall be imported into or exported out of any the aforesaid places in any other ship or vessel, as also of the ship or vessel, with all its guns, furniture, tackle, ammunition and apparel; one third part thereof to his Majesty, his heirs and successors; one third part to the governor of such land, plantation, island or territory where such default shall be committed, in case the said ship or goods be there seized, or otherwise that third part also to his Majesty,

Penalty.
Explained by
13 & 14 Car. 2.
c. 11. s. 6.

nizens or naturalized) be owners, part-owners or master, and whereof three fourths of the mariners at least shall not be *English*, any fish, victual, wares, goods, commodities or things, of what kind or nature soever the same shall be, from one port or creek of *England, Ireland, Wales, islands of Guernsey or Jersey, or town of Berwick upon Tweed*, to another port or creek of the same, or of any of them; under penalty for every one that shall offend contrary to the true meaning of this branch of this present act, to forfeit all such goods as shall be laden and carried in any such ship or vessel, together with the ship or vessel, and all her guns, ammunition, tackle, furniture and apparel; one moiety to his Majesty, his heirs and successors, and the other moiety to him or them that shall inform, seize or sue for the same in any court of record, to be recovered in manner aforesaid.

England to another in the vessel of any alien not denizenized, &c.

The penalty. 1 Salk. 223.

VII. And it is further enacted by the authority aforesaid, That where any ease, abatement or privilege is given in the book of rates to goods or commodities imported or exported in *English-built* shipping, that is to say, shipping built in *England, Ireland, Wales, islands of Guernsey or Jersey, or town of Berwick upon Tweed*, or in any the lands, islands, dominions and territories to his Majesty in *Africa, Asia, or America*, belonging, or in his possession, that it is always to be understood and provided, that the master and three fourths of the mariners of the said ships at least be also *English*; (2) and that where it is required that the master and three fourths of the mariners be *English*, that the true intent and meaning thereof is, that they should be such during the whole voyage, unless in case of sickness, death, or being taken prisoners in the voyage, to be proved by the oath of the master or other chief officer of such ships.

Ease and abatement in the book of rates to extend only where three parts of the mariners be English.

VIII. And it is further enacted by the authority aforesaid, That no goods or commodities of the growth, production or manufacture of *Muscovy*, or to any the countries, dominions or territories to the great duke or emperor of *Muscovy or Russia* belonging, as also that no sort of masts, timber or boards, no foreign salt, pitch, tar, rosin, hemp or flax, raisins, figs, prunes, olive-oils, no sorts of corn or grain, sugar, pot-ashes, wines, vinegar, or spirits called *aqua-vita*, or brandy-wine, shall from and after the first day of *April*, which shall be in the year of our Lord one thousand six hundred sixty-one, be imported into *England, Ireland, Wales, or town of Berwick upon Tweed*, in any ship or ships, vessel or vessels whatsoever, but in such as do truly and without fraud belong to the people thereof, or some of them, as the true owners and proprietors thereof, and whereof the master and three fourths of the mariners at least are *English*: and that no currans nor commodities of the growth, production or manufacture of any the countries, islands, dominions or territories to the *Othoman or Turkish* empire belonging, shall from and after the first day of *September*, which shall be in the year of our Lord one thousand six hundred sixty-one,

Goods of the growth or manufacture of *Muscovy or Russia*.

Explained by 13 & 14 Car. 2. c. 11. l. 23. 5 Mod. 195.

Othoman or Turkish empire.

be imported into any the afore-mentioned places in any ship or vessel, but which is of *English*-built, and navigated, as afore-said, and in no other, except only such foreign ships and vessels as are of the built of that country or place of which the said goods are the growth, production or manufacture respectively, or of such port where the said goods can only be, or most usually are, first shipped for transportation, and whereof the master and three fourths of the mariners at least are of the said country or place, under the penalty and forfeiture of ship and goods, to be disposed and recovered as in the foregoing clause.

Frauds in
concealing
aliens goods,
how to be
prevented.

IX. Provided always, and be it hereby enacted by the authority afore-said, That for the prevention of the great frauds daily used in colouring and concealing of aliens goods, all wines of the growth of *France* or *Germany*, which from and after the twentieth day of *October* one thousand six hundred and sixty shall be imported into any the ports or places afore-said, in any other ship or vessel than which doth truly and without fraud belong to *England*, *Ireland*, *Wales*, or town of *Berwick* upon *Tweed*, and navigated with the mariners thereof, as afore-said, shall be deemed aliens goods, and pay all strangers customs and duties to his Majesty, his heirs and successors, as also to the town or port into which they shall be imported; (2) and that all sorts of masts, timber or boards, as also all foreign salt, pitch, tar, rosin, hemp, flax, raisins, figs, prunes, olive-oils, all sorts of corn or grain, sugar, pot-ashes, spirits commonly called brandy-wine, or *aqua-vitæ*, wines of the growth of *Spain*, the islands of the *Canaries* or *Portugal*, *Madera*, or western islands; (3) and all the goods of the growth, production or manufacture of *Muscovy* or *Russia*, which from and after the first day of *April*, which shall be in the year of our Lord one thousand six hundred sixty-one, shall be imported into any the afore-said places in any other than such shipping, and so navigated; (4) and all currans and *Turkey* commodities which from and after the first day of *September* one thousand six hundred sixty-one, shall be imported into any the places afore-said, in any other than *English*-built shipping, and navigated as afore-said, (5) shall be deemed aliens goods, and pay accordingly to his Majesty, his heirs and successors, and to the town or port into which they shall be imported.

How to pre-
vent frauds in
colouring and
buying fo-
reign ships.
E X P.
See 13 & 14
Car. 2. c. 11.
s. 6.

X. And for prevention of all frauds which may be used in colouring or buying of foreign ships, be it enacted by the authority afore-said, and it is hereby enacted, That from and after the first day of *April*, which shall be in the year of our Lord one thousand six hundred sixty-one, no foreign-built ship or vessel whatsoever shall be deemed or pass as a ship to *England*, *Ireland*, *Wales*, or town of *Berwick*, or any of them belonging, or enjoy the benefit or privilege of such a ship or vessel, until such time that he or they claiming the said ship or vessel to be theirs, shall make appear to the chief officer or officers of the customs in the port next to the place of his or their abode, that he or they are not aliens, and shall have taken an oath be-
fore

fore such chief officer or officers, who are hereby authorized to administer the same, that such ship or vessel was *bona fide* and without fraud by him or them bought for a valuable consideration, expressing the sum, as also the time, place and persons from whom it was bought, and who are his part-owners (if he have any); (2) all which part-owners shall be liable to take the said oath before the chief officer or officers of the custom-house of the port next to the place of their abode, and that no foreigner directly or indirectly hath any part, interest or share therein; and that upon such oath he or they shall receive a certificate under the hand and seal of the said chief officer or officers of the port where such person or persons so making oath do reside, whereby such ship or vessel may for the future pass and be deemed as a ship belonging to the said port, and enjoy the privilege of such a ship or vessel; and the said officer or officers shall keep a register of all such certificates as he or they shall so give, and return a duplicate thereof to the chief officers of the customs at *London*, for such as shall be granted in *England, Wales, and Berwick*, and to the chief officers of the customs at *Dublin*, for such as shall be given in *Ireland*, together with the names of the person or persons from whom such ship was bought, and the sum of money which was paid for her, as also the names of all such persons who are part-owners of her, if any such be.

The oath to be administered.

XI. And be it further enacted by the authority aforesaid, That if any officers of the customs shall from and after the said first day of *April* allow the privilege of being a ship or vessel to *England, Ireland, Wales*, or town of *Berwick*, or any of them belonging, to any foreign-built ship or vessel, until such certificate be before them produced, or such proof and oath taken before them; (2) or if any officer of the customs shall allow the privilege of an *English*-built ship, or other ship to any the aforesaid places belonging, to any *English* or foreign-built ship coming into any port, and making entry of any goods, until examination whether the master and three fourths of the mariners be *English*; (3) or shall allow to any foreign-built ship bringing in the commodities of the growth of the country where it was built, the privilege by this act to such ship given, until examination and proof whether it be a ship of the built of that country, and that the master and three fourths of the mariners are of that country; (4) or if any person who is or shall be made governor of any lands, islands, plantations or territories in *Africa, Asia* or *America*, by his Majesty, his heirs or successors, shall suffer any foreign-built ship or vessel to load or unload any goods or commodities within the precincts of their governments, until such certificate be produced before them, or such as shall be by them appointed to view the same, and examination whether the master and three fourths of the mariners at least be *English*; (5) that for the first offence such officer of the customs and governors shall be put out of their places, offices or governments.

Officers of the customs not to allow any privilege to any foreign-built ship, until certificate or proof, &c.

Altered by 6 Annæ, c. 37. f. 21.

be imported into any the afore-mentioned places in any ship or vessel, but which is of *English*-built, and navigated, as aforesaid, and in no other, except only such foreign ships and vessels as are of the built of that country or place of which the goods are the growth, production or manufacture respectively, or of such port where the said goods can only be, or most usually are, first shipped for transportation, and whereof the major and three fourths of the mariners at least are of the said country or place, under the penalty and forfeiture of ship and goods, to be disposed and recovered as in the foregoing clause.

Frauds in
concealing
aliens goods,
how to be
prevented.

IX. Provided always, and be it hereby enacted by the authority aforesaid, That for the prevention of the great fraud daily used in colouring and concealing of aliens goods, to-wit, wines of the growth of *France* or *Germany*, which from and after the twentieth day of *October* one thousand six hundred and sixty shall be imported into any the ports or places aforesaid, in any other ship or vessel than which doth truly and without fraud belong to *England*, *Ireland*, *Wales*, or town of *Berwick* upon *Tweed*, and navigated with the mariners thereof as aforesaid, shall be deemed aliens goods, and pay all strangers customs and duties to his Majesty, his heirs and successors, and also to the town or port into which they shall be imported; (2) and that all sorts of masts, timber or boards, as also all foreign salt, pitch, tar, rosin, hemp, flax, raisins, figs, prunes, olive-olls, all sorts of corn or grain, sugar, pot-ashes, spirits commonly called brandy-wine, or *aqua-vitæ*, wines of the growth of *Spain*, the islands of the *Canaries* or *Portugal*, *Madera*, or western islands; (3) and all the goods of the growth, production or manufacture of *Muscovy* or *Russia*, which from and after the first day of *April*, which shall be in the year of our Lord one thousand six hundred sixty-one, shall be imported into any the aforesaid places in any other than such shipping, and so navigated; (4) and all currans and *Turkey* commodities which from and after the first day of *September* one thousand six hundred sixty-one, shall be imported into any the places aforesaid, in any other than *English*-built shipping, and navigated as aforesaid, (5) shall be deemed aliens goods, and pay accordingly to his Majesty, his heirs and successors, and to the town or port into which they shall be imported.

How to pre-
vent frauds in
colouring and
buying fo-
reign ships.
E X P.
See 13 & 14
Car. 2. c. 11.
f. 6.

X. And for prevention of all frauds which may be used in colouring or buying of foreign ships, be it enacted by the authority aforesaid, and it is hereby enacted, That from and after the first day of *April*, which shall be in the year of our Lord one thousand six hundred sixty-one, no foreign-built ship or vessel whatsoever shall be deemed or pass as a ship to *England*, *Ireland*, *Wales*, or town of *Berwick*, or any of them belonging, or enjoy the benefit or privilege of such a ship or vessel, until such time that he or they claiming the said ship or vessel to be theirs, shall make appear to the chief officer or officers of the customs in the port next to the place of his or their abode, that he or they are not aliens, and shall have taken an oath be-
fore

ore such chief officer or officers, who are hereby authorized to administer the same, that such ship or vessel was *bona fide* and without fraud by him or them bought for a valuable consideration, expressing the sum, as also the time, place and persons from whom it was bought, and who are his part-owners (if he have any); (2) all which part-owners shall be liable to take the said oath before the chief officer or officers of the customs-house of the port next to the place of their abode, and that no foreigner directly or indirectly hath any part, interest or share therein; and that upon such oath he or they shall receive a certificate under the hand and seal of the said chief officer or officers of the port where such person or persons so making oath do reside, whereby such ship or vessel may for the future pass and be deemed as a ship belonging to the said port, and enjoy the privilege of such a ship or vessel; and the said officer or officers shall keep a register of all such certificates as he or they shall so give, and return a duplicate thereof to the chief officers of the customs at *London*, for such as shall be granted in *England, Wales, and Berwick*, and to the chief officers of the customs at *Dublin*, for such as shall be given in *Ireland*, together with the names of the person or persons from whom such ship was bought, and the sum of money which was paid for her, as also the names of all such persons who are part-owners of her, if any such be.

The oath to be administered.

XI. And be it further enacted by the authority aforesaid, That if any officers of the customs shall from and after the said first day of *April* allow the privilege of being a ship or vessel to *England, Ireland, Wales, or town of Berwick*, or any of them belonging, to any foreign-built ship or vessel, until such certificate be before them produced, or such proof and oath taken before them; (2) or if any officer of the customs shall allow the privilege of an *English*-built ship, or other ship to any the aforesaid places belonging, to any *English* or foreign-built ship coming into any port, and making entry of any goods, until examination whether the master and three fourths of the mariners be *English*; (3) or shall allow to any foreign-built ship bringing in the commodities of the growth of the country where it was built, the privilege by this act to such ship given, until examination and proof whether it be a ship of the built of that country, and that the master and three fourths of the mariners are of that country; (4) or if any person who is or shall be made governor of any lands, islands, plantations or territories in *Africa, Asia or America*, by his Majesty, his heirs or successors, shall suffer any foreign-built ship or vessel to load or unload any goods or commodities within the precincts of their governments, until such certificate be produced before them, or such as shall be by them appointed to view the same, and examination whether the master and three fourths of the mariners at least be *English*; (5) that for the first offence such officer of the customs and governors shall be put out of their places, offices or governments.

Officers of the customs not to allow any privilege to any foreign-built ship, until certificate or proof, &c.
Altered by 6 Annæ, c. 37. f. 21.

Proviso for
goods of the
Streights or
Levant.

In part re-
pealed by
6 Geo. 1. c. 24.

East-India
commodities.

Proviso for
goods import-
ed from Spain,
Portugal, A-
zores, Madera
or Canary
islands.

Proviso for
bullion, and
goods taken
by way of
reprisal.

Proviso con-
cerning goods
of Scotland.

Goods of
Russia.

The duty pay-
able upon
goods in
French ships.
Enforced by
13 & 14 Car. 2.
c. 11. l. 24.

XII. Provided always, That this act, or any thing therein contained, extend not, or be meant, to restrain and prohibit the importation of any the commodities of the *Streights* or *Levant-Seas*, loaden in *English* built shipping, and whereof the master and three fourths of the mariners at least are *English*, from the usual ports or places for lading of them heretofore within the said *Streights* or *Levant-Seas*, though the said commodities be not of the very growth of the said places.

XIII. Provided also, That this act or any thing therein contained, extend not, or be meant, to restrain the importing of any *East-India* commodities loaden in *English* built shipping, and whereof the master and three fourths of the mariners at least are *English*, from the usual place or places for lading of them in any part of those seas, to the southward and eastward of *Cabo bona Esperanza*, although the said ports be not the very places of their growth.

XIV. Provided also, That it shall and may be lawful to and for any of the people of *England*, *Ireland*, *Wales*, islands of *Guernsey* or *Jersey*, or town of *Berwick* upon *Tweed*, in vessels or ships to them belonging, and whereof the master and three fourths of the mariners at least are *English*, to load and bring in from any of the ports of *Spain* or *Portugal*, or western islands, commonly called *Azores*, or *Madera* or *Canary* islands, all sorts of goods or commodities of the growth production or manufacture of the plantations or dominions of either of them respectively.

XV. Provided, That this act, or any thing therein contained, extend not to bullion, nor yet to any goods taken, or that shall be *bona fide* taken, by way of reprisal by any ship or ships belonging to *England*, *Ireland* or *Wales*, islands of *Guernsey* or *Jersey*, or town of *Berwick* upon *Tweed*, and whereof the master and three fourths of the mariners at least are *English*, having commission from his Majesty, his heirs or successors.

XVI. Provided always, That this act, or any thing therein contained, shall not extend, or be construed to extend, to lay aliens duties upon any corn of the growth of *Scotland*, or to any salt made in *Scotland*, nor to any fish caught, saved and cured by the people of *Scotland*, and imported directly from *Scotland* in *Scotch* built ships, and whereof the master and three fourths of the mariners are of his Majesty's subjects; (2) nor to any seal-oil of *Russia*, imported from thence into *England*, *Ireland*, *Wales*, or town of *Berwick* upon *Tweed*, in shipping *bona fide* to some of the said places belonging, and whereof the master and three fourths of the mariners at least are *English*.

XVII. Provided also, and it is hereby enacted, That every ship or vessel belonging to any the subjects of the *French* King, which from and after the twentieth day of *October* in the year of our Lord one thousand six hundred and sixty shall come into

into any port, creek, harbour or road of *England, Ireland, Wales*, or town of *Berwick upon Tweed*, and shall there lade or unlade any goods or commodities, or take in or set on shore any passengers, shall pay to the collector of his Majesty's customs in such port, creek, harbour or road, for every ton of which the said ship or vessel is of burthen, to be computed by such officer of the customs as shall be thereunto appointed, the sum of five shillings current money of *England*: (2) And that no such ship or vessel be suffered to depart out of such port, creek, harbour or road, until the said duty be fully paid: (3) And that this duty shall continue to be collected, levied and paid, for such time as a certain duty of fifty shillings per ton, lately imposed by the *French King*, or any part thereof, shall continue to be collected upon the shipping of *England* lading in *France*, and three months after and no longer.

How long to continue.

XVIII. And it is further enacted by the authority aforesaid, That from and after the first day of *April*, which shall be in the year of our Lord one thousand six hundred sixty-one, no sugars, tobacco, cotton-wool, indicoes, ginger, fustick, or other dying wood, of the growth, production or manufacture of any *English* plantations in *America, Asia* or *Africa*, shall be shipped, carried, conveyed or transported from any of the said *English* plantations to any land, island, territory, dominion, port or place whatsoever, other than to such other *English* plantations as do belong to his Majesty, his heirs and successors, or to the kingdom of *England* or *Ireland*, or principality of *Wales*, or town of *Berwick upon Tweed*, there to be laid on shore, (2) under the penalty of the forfeiture of the said goods, or the full value thereof, as also of the ship, with all her guns, tackle, apparel, ammunition and furniture; the one moiety to the King's majesty, his heirs and successors, and the other moiety to him or them that shall seize, inform or sue for the same in any court of record, by bill, plaint, or information, wherein no essoin, protection or wager of law shall be allowed.

Sugars, tobacco, &c. of the growth of the plantations. Enlarged as to rice and mel-
losses by 3 & 4
Annæ, c. 5. f. 12.
and as to cop-
per oar by 8
Geo. 1. c. 18.
f. 22.

XIX. And be it further enacted by the authority aforesaid, That for every ship or vessel, which from and after the five and twentieth day of *December* in the year of our Lord one thousand six hundred and sixty shall set sail out of or from *England, Ireland, Wales*, or town of *Berwick upon Tweed*, for any *English* plantation in *America, Asia* or *Africa*, sufficient bond shall be given with one surety to the chief officers of the custom-house of such port or place from whence the said ship shall set sail, to the value of one thousand pounds, if the ship be of less burthen than one hundred tons; and of the sum of two thousand pounds, if the ship shall be of greater burthen; that in case the said ship or vessel shall load any of the said commodities at any of the said *English* plantations, that the same commodities shall be by the said ship brought to some port of *England, Ireland, Wales*, or to the port or town of *Berwick upon Tweed*, and shall there unload and put on shore the same, the danger of the seas only excepted: (2) And for all ships coming from any other port or place

Ships of *England, Ireland* or *Wales*, sailing to any *English* plantations of *America, Asia* or *Africa*, shall be bound with sureties to bring goods there loaded into *England*, &c. Farther provisions relating to such bonds, 7 & 8 W. 3. c. 22. f. 13. 8 Annæ, c. 13. f. 13.

Repeated as to Ireland by 22 & 23 Car. 2. c. 26. §. 11. Ships coming from other places to any of those plantations. Theresepective governors to return the bonds taken twice yearly to the chief officers of the custom in London. This return to be made once a year, &c. 22 & 23 Car. 2. c. 26. §. 12.

to any of the aforesaid plantations, who by this act are permitted to trade there, that the governor of such *English* plantations shall before the said ship or vessel be permitted to load on board any of the said commodities, take bond in manner and to the value aforesaid, for each respective ship or vessel, that such ship or vessel shall carry all the aforesaid goods that shall be laden on board in the said ship to some other of his Majesty's *English* plantations, or to *England, Ireland, Wales, or town of Berwick upon Tweed*: (3) And that every ship or vessel which shall load or take on board any of the aforesaid goods, until such bond given to the said governor, or certificate produced from the officers of any custom-house of *England, Ireland, Wales, or of the town of Berwick*, that such bonds have been there duly given, shall be forfeited with all her guns, tackle, apparel and furniture, to be employed and recovered in manner as aforesaid; and the said governors and every of them shall twice in every year after the first day of *January* one thousand six hundred and sixty, return true copies of all such bonds by him so taken, to the chief officers of the custom in *London*. *Confirmed by 13 Car. 2. stat. 1. c. 14.*

CAP. XIX.

An act to prevent frauds and concealments of his Majesty's customs and subsidies.

Persons who shall convey away any goods without entry and agreement for the custom. 22 Car. 2. c. 4.

BE it enacted by the King's most excellent majesty, by and with the advice and consent of the lords and commons in this present parliament assembled, That if any person or persons at any time after the first day of *September* one thousand six hundred and sixty, shall cause any goods for which custom, subsidy or other duties are due or payable by virtue of the act passed this parliament, (intituled, *A subsidy granted to the king of tonnage and poundage, and other sums of money, payable upon merchandize exported and imported*) to be landed or conveyed away without due entry thereof first made, and the customer or collector, or his deputy agreed with; that then and in such case, upon oath thereof made before the lord treasurer, or any of the barons of the exchequer, or chief magistrate of the port or place where the offence shall be committed, or the place next adjoining thereunto, it shall be lawful to and for the lord treasurer, or any of the barons aforesaid, or chief magistrate of the port or place where the offence shall be committed, or the place next adjoining thereunto, to issue out a warrant to any person or persons, thereby enabling him or them, with the assistance of a sheriff, justice of peace or constable, to enter into any house in the day-time where such goods are suspected to be concealed, and in case of resistance to break open such houses, and to seize and secure the same goods so concealed; and all officers and ministers of justice are hereby required to be aiding and assisting thereunto.

The penalty.

13 & 14 Car. 2. c. 11. §. 5. 8 Annæ, c. 7. §. 17.

No proceeding against any upon this

II. Provided always, That no house shall be entred by virtue of this act, unless it be within the space of one month after the offence supposed to be committed,

III. Provided also, That this act shall continue in force unto the end of the first session of the next parliament, and no longer.

IV. Provided also, That if the information whereupon any house shall come to be searched, shall prove to be false; that then and in such case, the party injured shall recover his full damages and costs against the informer, by action of trespass to be therefore brought against such informer. *Confirmed by 13 Car. 2. stat. 1. c. 7. And by 1 Ann. stat. 1. c. 13. s. 2. and by 9 Ann. c. 6. s. 2. Made perpetual by 3 Geo. 1. c. 7.*

act, unless within one month after the offence committed. The continuance of this act. Damages and costs against false informers.

C A P. XX.

An act for the raising of seven score thousand pounds, for the compleat disbanding of the whole army, and paying part of the navy. EXP.

C A P. XXI.

An act for the speedy raising of seventy thousand pounds, for the present supply of his Majesty. EXP. 13 and 14 Car. 2. c. 10.

C A P. XXII.

An act for the regulating of the trade of bay-making in the Dutch bay-hall in Colchester.

WHEREAS by the special favour of Queen Elizabeth there *Preamble.*

was a congregation of Dutch people tolerated to practise the art and trade of bay and say making in the town of Colchester in the county of Essex; and for the upholding the credit of the said trade, and for the avoiding and punishing all unjust and fraudulent dealings therein, there have been divers good and laudable orders and constitutions made, which were confirmed by letters patents under the great seal of England in the tenth year of King James, and by several orders made by the late King's privy-council; the strict and exact execution of which said orders and constitutions by the governors of the Dutch bay-hall there, hath brought that kind of drapery into high credit, not only at home, but also in foreign parts, and that by reason of the said trade, many thousands of poor people, both within the said town of Colchester and places thereabout, are daily employed and set to work: (2) Notwithstanding which said orders, and the care of the governors of the said Dutch bay-hall, many fraudulent and deceitful commodities, and slight and naughty bays, have been and daily are by the secret and crafty practices of some men made in the said town, and are weekly brought and conveyed to London by certain persons using the trade of buying and selling of Colchester bays, before such time as the said bays have been viewed, searched, measured and sealed by the sworn officers of the said Dutch bay-hall; which said bays so deceitfully and fraudulently made, are transported beyond the seas under the name, and oftentimes with the seal of Colchester bays, whereby the bays there made are not of that credit and esteem as formerly: For the preventing of which said practices and deceits, (3) Be it enacted by the King's most excellent majesty, with the assent of the lords and commons in this present parliament assembled, and by authority of the same, That the governors of the said Dutch bay-hall in Colchester, and the Dutch people there living, shall and may from henceforth peaceably and quietly use and exercise the free trade of making bays, says, and

Grievance.

Confirmation of the privilege of the Dutch bay-hall.

and other foreign draperies within the said town of *Colchester*, and be permitted to govern the said trade in their assemblies and congregations, with all such liberties, privileges, immunities, and in as full and ample manner, as they have at any time heretofore enjoyed the same by virtue of any order, grant or toleration to them made by Queen *Elizabeth*, King *James*, or the late King *Charles* of blessed memory, or any of them.

All bays made at *Colchester* must be carried to the *Bay-hall* and searched.

II. And be it further enacted by the authority aforesaid, That if any person or persons whatsoever, from and after the twentieth day of *September* in the year of our Lord one thousand six hundred and sixty shall weave or cause to be woven within the said town of *Colchester*, or the liberties thereof, any bay known by the name of four and fifties, sixties, sixty-eights, eighties and hundred bays, and shall not within two days after such weaving, carry or cause such bay to be carried to the *Dutch bay-hall*, called the *Raw-hall*, there to be viewed and searched, to the intent it may appear whether the same bay be well and substantially wrought, before as the said bay shall be carried to be scoured and thicked; (2) or if any fuller or thicker, or other person using the art or trade of fulling or thicking of bays, shall receive any such bay to be fulled and thicked before such time as the said bay hath been carried to the said *Raw-hall*, and there stamped and marked, as by the orders of the said hall it ought to be; (3) That every such weaver that shall so convey the said bay, and every such fuller and thicker that shall receive such bay, before the same be stamped and marked as aforesaid, shall forfeit for the first offence the sum of forty shillings, to be levied by distress and sale of the offender's goods, returning the overplus, the necessary charges of distraining being first deducted; (4) and such forfeitures, in case such bay be made by an *English* master-maker, then the same to be accounted for to the mayor and commonalty of the said town for the benefit of the poor of the said town; and in case such bay be the bay of a *Dutch* master-maker, then the same to be disposed by the governors of the said *Dutch bay-hall* for the use and benefit of the poor of the said *Dutch* congregation; and for the second offence shall forfeit the sum of five pounds, to be levied and disposed in manner above said; and for the third offence, not to be permitted to work any more within the town of *Colchester* or liberties thereof.

No fuller shall work any bays not searched and allowed.

Penalty of weavers and fullers offending.

Third offence.

No bays to be carried out of the town until searched and allowed.

III. And be it further enacted by the authority aforesaid, That if any person or persons shall buy any of the aforesaid bays, or convey or carry, or cause such bay to be conveyed or carried out of the said town of *Colchester*, before such time as the said bay hath been viewed, searched, stamped, sealed and measured as aforesaid, by the sworn officers of the said *Dutch bay-hall* thereunto appointed, that in such case the said bay so bought or carried, or offered to be carried or conveyed away, as aforesaid, shall be confiscated, the one moiety to him or them that seize the same, and the other moiety to the poor of the parish where the said bay shall be taken and seized.

Penalty.

Penalty for counterfeiting

IV. And be it further enacted by the authority aforesaid, That if any person or persons whatsoever shall from and after the

the said twentieth day of *September* counterfeit or cause to be the corpora-
counterfeited any of the seals used by the corporation or con- tion seal.
gregation of the *Dutch bay-ball* in *Colchester*, or shall, not being
the officer thereunto by the said corporation appointed, and in
the place by them thereunto appointed, affix any such seal or
seals to any *Colchester* bays, whether counterfeited or not coun-
terfeited; that every person so offending, being thereof lawfully
convicted, shall for his first offence forfeit and pay to the use of
the said governors of the said *Dutch bay-ball* the sum of twenty
pounds, to be recovered in any of his Majesty's courts of re-
cord, or in the town-court of *Colchester*, by any action of debt,
bill, plaint, information or otherwise, wherein no essoin, pro-
tection or wager of law shall be allowed; (2) and for the se-
cond offence, being convicted as aforesaid, shall stand in the pil-
lory in the market or most publick place where such offence
shall be committed, for the space of one hour; (3) and for the
third offence, being as aforesaid convicted, shall suffer as a fel-
lon: And if any bays shall be taken carrying or carried out of
Colchester without the mark of the maker, that all such bay shall
be forfeit.

Third offence.

V. And for the better discovering, finding out and punishing
of the frauds and deceits aforesaid, be it further enacted by the
authority aforesaid, That it shall and may be lawful for the go-
vernors of the said *Dutch bay-ball*, or their officers, or any of
them, from time to time in the day-time, to search any cart,
waggon or pack, wherein they shall have notice or suspect any
such deceitful bays to be; and also from time to time with a
constable, who are hereby required to be aiding and assisting to
them, to make search in any house, shop or ware-house, where
they are informed any such deceitful bays to be, and to secure
and seize the same, and carry the same to the said *Dutch bay-
hall*; (2) and that such bays so seized and carried to the said
hall shall be confiscate and forfeit, to be disposed in such man-
ner as the forfeitures herein before-mentioned to be paid by the
weavers and fullers are herein before limited and appointed.

Power to
search carts
and packs.To search
houses with a
constable.Forfeiture of
deceitful bays.

VI. And be it further enacted by the authority aforesaid,
That for the better managing and regulating of the said art or
trade of making the bays aforesaid, that it shall and may be
lawful to and for the governors of the said *Dutch bay-hall*, from
time to time, to make, constitute and appoint such orders, by-
laws and constitutions, as to them shall seem meet and reason-
able.

Power to make
by-laws.

VII. Provided, That no such order, by-law or constitution
to be made, either in diminution of the King's prerogative, or
the laws of this kingdom, be used or executed, until the same
orders, by-laws and constitutions have been examined and ap-
proved by the lord chancellor, lord treasurer of *England*, or chief
justices of either bench, or any three of them, or before both
the justices of assize in their circuit or progress in the said coun-
ty of *Essex*; upon pain of forfeiture of twenty pounds for every
time they shall do the contrary. This act to begin and take ef-
fect

Who shall ap-
prove of them.

fect from the twentieth day of *September* one thousand six hundred and sixty.

C A P. XXIII.

A grant of certain impositions upon beer, ale and other liquors, for the increase of his Majesty's revenue during his life.

The rates
given to his
Majesty for
life.

THE commons assembled in parliament, in gratitude for an humble acknowledgment of your Majesty's great grace and favour to your commons, beyond example of any your royal progenitors, express in many publick acts and declarations, to the great rejoicing and general satisfaction of all your people, which they desire to answer with returns suitable and exceeding the examples of any of their ancestors for the increasing of your Majesty's revenue during your Majesty's reign, (which God long continue) Do therefore give and grant unto your most excellent Majesty the rates and duties, impositions charges and sums of money herein after following; and do beseech your Majesty that it may be enacted; (2) and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords and commons in parliament assembled That from and after the twenty-fifth day of *December* one thousand six hundred and sixty, there shall be throughout your Majesty's kingdom of *England*, dominion of *Wales*, and town of *Berwick upon Tweed*, raised, levied, collected and paid unto your Majesty during your life, for beer, ale, cyder and other liquors herein after mentioned, the several rates, impositions, duties and charges herein after expressed, and in manner and form following: that is to say,

22 Car.2. c.24.

- | | | |
|------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------|
| Beer and ale above 6s. the barrel. | II. For every barrel of beer or ale above six shillings the barrel, brewed by the common brewer, or any other person or persons who doth or shall sell or tap out beer or ale publicly or privately, to be paid by the common brewer, or by such other person or persons respectively, and so proportionably for a greater or lesser quantity, one shilling three pence. | xv. d. |
| Beer and ale of 6s. the barrel. | III. For every barrel of six shillings beer or ale, or under, brewed by the common brewer, or any other person or persons who doth or shall sell or tap out such beer or ale publicly or privately, to be paid by the said common brewer, or by such other person or persons respectively, as aforesaid, and so proportionably for a greater or lesser quantity, three pence. | iii. d. |
| Cyder, perry. | IV. For all cyder and perry made and sold by retail, upon every hoghead, to be paid by the retailer thereof, and so proportionably for a greater or lesser measure, one shilling three pence. | xv. d. |
| Metheglin, Mead. | V. For all metheglin or mead sold, whether by retail or otherwise, to be paid by the maker thereof, upon every gallon, one half-penny. | Ob. |
| Vinegar-beer. | VI. For every barrel of beer, commonly called vinegar-beer, brewed by any common brewer in any common brewhouse, six pence. | vi. d. |
| Strong-water. | VII. For every gallon of strong water or <i>aqua-vita</i> , made and sold, to be paid by the maker thereof, one penny. | i. d. |
| Beer and ale imported. | VIII. For every barrel of beer or ale imported from beyond the seas, three shillings. | iii. s. |

IX. For every ton of cyder or perry imported from beyond the seas, and so proportionably for a greater or lesser quantity, five shillings. } v. s.

Cyder and perry imported.

X. For every gallon of spirits made of any kind of wine or cyder imported, two pence.

ii. d.

Spirits imported.

XI. For every gallon of strong water perfectly made, imported from beyond the seas, four pence

iv d.

Strong-water imported.

XII. For every gallon of coffee made and sold, to be paid by the maker thereof, four pence

iv. d.

Coffee.

XIII. For every gallon of chocolate, sherbet and tea, made and sold, to be paid by the maker thereof, eight pence.

viii. d.

Chocolate.

These duties

are enlarged and continued by 12 Car. 2. c. 24. 23 & 23 Car. 2. c. 5. 1 W. & M. sess. 1. c. 24. 2 W. & M. sess. 2. c. 10. 3 & 4 W. & M. c. 1. 4 & 5 W. & M. c. 3. 5 & 6 W. & M. c. 7. and c. 29. 7 & 8 W. 3. c. 30. 10 & 11 W. 3. c. 21. 4 Annæ, c. 6. 8 Annæ, c. 7. 1 Geo. 1. stat. 2. c. 12. f. 8. 6 Geo. 1. c. 4.

XIV. And be it further enacted and ordained by the authority afore said, That the several rates, duties and charges of excise or new imposts above-mentioned, hereby set or imposed upon all and every the said foreign liquors which shall be imported or brought into all or any the ports of this kingdom and dominions thereof afore said, from and after the five and twentieth day of *December* next, shall be from time to time satisfied and paid by the merchant or merchants, importer or importers of the same, in ready money, upon his or their entry or entries made, and before the landing thereof.

The excise upon foreign liquors imported to be paid by the importers in money upon entries made before land. ing.

XV. And be it further enacted by the authority afore said, That all common brewers of beer and ale shall once in every week, and all inn-keepers, alehouse-keepers, victuallers, and other retailers of beer, ale, cyder, perry, metheglin or strong water, brewing, making or retailing the same, shall once in every month make true and particular entries at the office of excise, within the limits of which the said commodities and manufactures are made, of all beer, ale, perry, cyder, metheglin, strong water, or other the liquors afore said, which they or any of them shall brew, make or retail in that week and month respectively, as afore said.

Common brewers to account weekly, and other retailers of beer, ale, &c. monthly.

XVI. And be it further enacted by the authority afore said, That all such common brewers who do not once a week make due and particular entries, shall forfeit five pounds: (2) And that every such inn-keeper who doth not make true and particular entries once a month, shall forfeit five pounds: (3) And that every alehouse-keeper, victualler or other retailer, who doth not once a month make due and particular entries, shall forfeit twenty shillings.

The penalty for not accounting as afore said.

XVII. And be it further enacted by the authority afore said, That every common brewer who shall not pay and clear off within a week after he made his entry, or ought to have made his entry, as afore said, shall pay double the value of the duty: (2) And that every inn-keeper, alehouse-keeper, victualler or other retailer, who shall not pay and clear off within a month after he made his entry, or ought to have made his entry, as afore said, shall pay double the value of the duty: (3) The said

respective forfeitures to be levied upon their goods and chattels, in such manner and form as hereafter in this act is ordained and directed.

No person to be compelled by the commissioners of excise to go further for making their entries than the next market-town.

Farther provisions relating hereto, 15 Car. 2. c. 11. s. 9.
The commissioners for execution of this act empowered to appoint gaggers. The power of the gaggers.

Returns made by the gaggers.

XVIII. Provided, That no such person as aforesaid shall be compelled by the commissioners or sub-commissioners of excise, to travel for the making of the said entries or payment of the said duties or other cause whatsoever touching or concerning the same, if he live in a market-town out of the said town; if he live out of a market-town, then to no other place than to the next market-town to his habitation in the same county, on the market-day.

XIX. And be it further enacted and ordained by the authority aforesaid, That the commissioners who shall be appointed by his Majesty for putting this act in execution, and their sub-commissioners in their respective circuits and divisions, shall hereby have power to constitute under their hands and seals, such and so many gaggers as they shall find needful: (2) Which gaggers and every of them, shall at all times, as well by night as by day and if by night, then in the presence of a constable or other lawful officer, be permitted upon their request to enter the house, brew-house, distilling-house, and all other houses and places whatsoever belonging to or used by any brewer, inn-keeper, victualler, or other retailer of beer, brewing or making the same as aforesaid, or by any distiller of strong waters, or retailer of other the liquors aforesaid, and to gage all coppers, fats and vessels in the same, and to take an account of beer, ale, worts, perry, cyder, strong waters, *aqua-vita*, metheglin, or other the liquors aforesaid, in the said houses, places and vessels, from time to time, brewed or made, and distilled; (3) and thereof to make return or report in writing to the said commissioners or sub-commissioners of excise, under whose office and limits such brewer, retailer, distiller, or maker of the liquors aforesaid, doth dwell and inhabit, leaving a true copy of such return in writing under his hand with such brewer, retailer, distiller or maker of the liquors aforesaid; (4) and such reports or returns of the said gaggers shall be a charge upon the said brewers, makers and retailers respectively; (5) and if any such common brewer or retailer shall refuse to permit any such gager or gaggers to enter his brew-house, or any other place afore-mentioned, or to gage or take account of his brewing-vessels, or of any such beer, ale, worts, perry, cyder, strong water, *aqua-vita*, metheglin, or other the liquors aforesaid, such brewer, retailer or distiller, shall be forthwith forbidden by the said gager or gaggers to sell, carry out or deliver to any of his customers any beer, ale, strong-water, *aqua-vita*, or other the liquors aforesaid; (6) and if any such brewer, retailer or distiller, of any the liquors aforesaid, after such warning given, shall sell, carry or deliver out the same, or any part thereof, not having paid and cleared the duty of excise, such person and persons shall, besides the forfeiture of double the value, forfeit and lose the sum of five pounds, as aforesaid for every offence, to be levied and recovered upon his or their good

any thing in this act to the contrary thereof in any wise notwithstanding.

XXX. Provided, That the said duty shall not be let to any other person or persons than to the person or persons recommended by the justices, under the rate that it shall be tendred to, and refused by, such person or persons so recommended.

XXXI. And be it further enacted and ordained by the authority aforesaid, That all forfeitures and offences made and committed against this act or any clause or article therein contained, shall be heard, adjudged and determined by such person or persons, and in such manner and form as hereafter in and by this act is directed and appointed; that is to say, (2) all such forfeitures and offences made and committed within the immediate limits of the chief office in *London*, shall be heard, adjudged and determined by the said chief commissioners and governors of excise (appointed by his Majesty) or the major part of them, or by the commissioners for appeals and regulating of this duty, or the major part of them, in case of appeal, and not otherwise: (3) And all such forfeitures and offences made and committed within all or any other the counties, cities, towns or places within this kingdom or dominions thereof, shall be heard and determined by any two or more of the justices of the peace residing near to the place where such forfeitures shall be made or offence committed: (4) And in case of neglect or refusal of such justices of the peace, by the space of fourteen days next after complaint made, and notice thereof given to the offender, then the sub-commissioners or the major part of them appointed for any such city, county, town or place, shall and are hereby empowered to hear and determine the same: (5) And if the party find himself aggrieved by the judgment given by the said sub-commissioners, he shall and may appeal to the justices of the peace at the next quarter-sessions, who are hereby empowered and authorized to hear and determine the same, whose judgment therein shall be final; (6) which said commissioners for appeals and regulating of this duty, and the chief commissioners for excise, and all justices of peace and sub-commissioners aforesaid respectively, are hereby authorized and strictly enjoined and required upon any complaint or information exhibited and brought of any such forfeiture made or offence committed contrary to this act, to summon the party accused, and upon his appearance or contempt to proceed to the examination of the matter of fact, and upon due proof made thereof, either by the voluntary confession of the party or by the oath of one or more credible witnesses (which oath they or any two or more of them have hereby power to administer) to give judgment or sentence, according as in and by this act is before ordained and directed; and to award and issue out warrants under their hands for the levying of such forfeitures, penalties and fines as by this act is imposed for any such offence committed, upon the goods and chattels of the offender, and to cause sale to be made of the said goods and chattels if they shall not be redeemed within fourteen days,

Forfeitures and offences within this act, where determined. Hardr. 478. 2 Salk. 555. 2 Mod. 283.

Appeals by parties grieved.

Beer and ale
sold in fairs.

XXV. Provided always, That if any person or persons shall brew and sell by retail any small quantities of beer or ale in any fair within this realm or dominions aforesaid, who is not otherwise any common or usual brewer or retailer thereof, and before any such selling and retailing thereof, well and truly and satisfy the duty due for the same to the commissioners, sub-commissioners within whose limits or divisions the said shall be held, or to their officers thereunto appointed; that if such person or persons so brewing or retailing the same, and so much and no more, nor otherwise, shall be freed and discharged from all penalties and forfeitures in and by this act before mentioned and imposed; any thing therein contained to the contrary notwithstanding.

The commis-
sioners may
compound
with any inn-
keeper, retail-
er or victual-
ler.

XXVI. Provided nevertheless, That it shall and may be lawful to and for the said commissioners and sub-commissioners respectively, to compound for this duty with any inn-keeper, victualler, alehouse-keeper, or retailer of beer, ale and other liquors aforesaid, within their respective divisions from time to time, in such manner and form as may be most for the advantage and improvement of the receipts thereof; any thing in this act before contained to the contrary notwithstanding.

Any the rates
in this act may
be farmed for
three years.

XXVII. And it is further ordained and enacted by the authority aforesaid, That the lord treasurer or commissioners of the treasury for the time being, or such other person or persons as his Majesty shall appoint, shall have power and are hereby authorized and empowered from time to time to treat, contract, conclude and agree with any person or persons for or concerning the farming of all or any the rates, duties and charges in this act mentioned upon beer, ale, perry, cyder or other the liquors aforesaid, in any the respective counties, cities or places of the realm or dominions thereof, as may be for the greatest benefit and advantage of the said receipt, so as the same exceed not the term of three years.

XXVIII. And be it further enacted, That every such contract, bargain and agreement of the lord treasurer or commissioners of the treasury, or other persons aforesaid, on behalf of his Majesty on the one part, and the person or persons farming the other part, shall be good and effectual in law to all intents and purposes.

Persons con-
tracting that
be nominated
by the justices
of the peace
in every coun-
ty, shall have
the refusal of
any farm.

XXIX. Provided always, to the end the aforesaid duty may be paid with most ease to the people, it is hereby further enacted, That the lord treasurer, commissioners of the treasury or other persons aforesaid, shall not within six months after commencement of this act, treat, conclude or agree with any person or persons touching the farming of this duty upon beer and ale in any the respective counties or places of this realm or dominions thereof, other than with such person or persons as by the justices of peace of the said counties or places, or the major part of them at their publick quarter-sessions, shall be nominated and appointed in that behalf, which person or persons is to have the first refusal of any such farm respectively, and may take the same

Majesty shall appoint to receive the same; and shall take no fee or reward for the execution of the said office, from any other person than from his Majesty, or those whom his Majesty shall appoint in that behalf.

XXXIV. And be it further enacted by the authority aforesaid, That every such justice of peace shall certify the taking of such oath to the next quarter sessions, there to be recorded; (2) and it is further enacted, That all parts of the cities of *London* and *Westminster*, with the borough of *Southwark*, and the several suburbs thereof, and parishes within the weekly bills of mortality, shall be under the immediate care, inspection and management of the said head office; (3) and such, and so many subordinate commissioners and sub-commissioners, and other officers and ministers for the execution of the premises, shall be from time to time nominated and appointed by his Majesty, in all and every other the counties, cities, towns and places within this kingdom of *England*, dominion of *Wales* and port of *Berwick*, as from time to time his Majesty shall think fit. (4) And it is hereby further enacted, That the said office of excise in all places where it shall be appointed, shall be kept open from eight of the clock in the morning till twelve of the clock at noon, and from two of the clock in the afternoon till five of the clock in the afternoon, for the due execution and performance of all and every the matters and things in this act appointed and required. (5) And it is further hereby enacted, That the said chief commissioners of excise, or the major part of them, shall from time to time issue forth and pay such sum and sums of money, as shall from time to time be received, collected or levied by virtue of this act, into his Majesty's receipt of exchequer.

Certificates at the next quarter-sessions. London, Westminster, Southwark.

Officers to be appointed by his Majesty.

The excise-office to be kept open.

The monies collected to be paid into the receipt of the exchequer.

XXXV. Provided always, and be it enacted, That if any person or persons shall at any time be sued or prosecuted for any thing by him or them done or executed in pursuance of this act, he or they shall and may plead the general issue, and give this act in evidence for his defence; (1) and if upon the trial a verdict shall pass for the defendant or defendants, or the plaintiff or plaintiffs be nonsuited, then such the defendant or defendants shall have double costs to him or them awarded against such plaintiff or plaintiffs.

Persons sued may plead the general issue.

XXXVI. Provided also, and be it enacted, That no writ or writs of *certiorari* shall supersede execution or other proceedings, upon any order or orders made by the justices aforesaid in pursuance of this act, but that execution and other proceedings shall and may be had and made thereupon, any such writ or writs or allowance thereof notwithstanding.

Writs of certiorari shall not supersede any proceedings.

XXXVII. Provided always, and be it further enacted, That this act, or any thing therein contained, shall not be prejudicial to *Edward Backwell* alderman of *London*, as to the sum of twenty eight thousand four hundred and fifty pounds, or any part thereof by him advanced upon the credit of several orders of this present parliament, and by them charged on the receipt of the grand excise; that is to say, the sum of five thousand pounds

Proviso for Edw. Backwell for payment of £8450*l.*

payable to his Majesty's surveyor general for the repair of his Majesty's houses, charged by virtue of an order of the sixth of September one thousand six hundred sixty, with interest for the same; the sum of ten thousand pounds advanced to her highness the Princess royal, being charged with interest by an order of the thirteenth September, one thousand six hundred sixty, the sum of ten thousand pounds payable to her Majesty the Queen of Bohemia, being charged, together with interest, by an order of the thirteenth of September, one thousand six hundred sixty, the sum of three thousand four hundred and fifty pounds payable for provisions for *Dunkirk*, by an order of the twenty-sixth of November one thousand six hundred sixty; which sum of twenty-eight thousand four hundred and fifty pounds, together with the interest for the same, according to the tenor of the said orders, after the rate of six *per cent.* shall be paid to the said *Edward Backwell* or his assigns, out of the grand excise, and the arrears thereof, in course, as is by the said orders appointed, and in case the same shall fall short in payment by the twenty-fifth of December one thousand six hundred and sixty, that then the remainder shall continue secured to him out of the whole excise in course as aforesaid, and that no other payments be made out of the excise, but what is appointed by this present parliament in course to precede the same, until the said debt due to the said *Edward Backwell* be satisfied; and that in case any part of the monies due to alderman *Backwell*, be paid out of that part of the excise which shall grow due to the King's majesty, that then his Majesty shall be reimbursed the same out of the first monies that shall come in of the arrears of excise that will be due the said twenty-fifth of December. Confirmed by 13 Car. 2. stat. 1. c. 7.

CAP. XXIV.

An act for taking away the court of wards and liveries, and tenures in capite, and by knights-service, and purveyance, and for settling a revenue upon his Majesty in lieu thereof.

The reasons of this act.

WHEREAS it hath been found by former experience, That the courts of wards and liveries, and tenures by knights-service, either of the King or others, or by knights-service in capite, or so-cage in capite of the King, and the consequents upon the same, have been much more burthensome, grievous and prejudicial to the kingdom, than they have been beneficial to the King: (2) And whereas since the intermission of the said court, which hath been from the four and twentieth day of February which was in the year of our Lord one thousand six hundred forty and five, many persons have by will and otherwise made disposal of their lands held by knights-service, where-upon divers questions might possibly arise, unless some seasonable remedy be taken to prevent the same; (3) be it therefore enacted by the King our sovereign lord, with the assent of the lords and commons in parliament assembled, and by the authority of the same, and it is hereby enacted, That the court of wards and liveries, and

and all wardships, liveries, primer seifins and ousterlemains, The court of values and forfeitures of marriages, by reason of any tenure of wards and liveries, primer seifins, &c. taken away.
 the King's Majesty, or of any other by knights-service, and all mean rates, and all other gifts, grants, charges incident or arising, for or by reason of wardships, liveries, primer seifins or ousterlemains be taken away and discharged, and are hereby enacted to be taken away and discharged, from the said twenty-fourth day of *February* one thousand six hundred forty-five; any law, statute, custom or usage to the contrary hereof in any wise notwithstanding: (4) And that all fines for alienations, Fines for alienations, &c. taken away.
 seizures and pardons for alienations, tenure by homage, and all charges incident or arising, for or by reason of wardship, livery, primer seifin or ousterlemain, or tenure by knights-service, escuage, and also, *aide pur file marrier*, and *pur fair fitz chivalier*, all other charges incident thereunto, be likewise taken away and discharged, from the said twenty-fourth day of *February* one thousand six hundred forty and five; any law, statute, custom or usage to the contrary hereof in any wise notwithstanding: (5) And that all tenures by knights service of the King, or of any other person, and by knights-service *in capite*, and by socage *in capite* of the King, and the fruits and consequents thereof, happened or which shall or may hereafter happen or arise thereupon or thereby, be taken away and discharged, any law, statute, custom or usage to the contrary hereof in anywise notwithstanding; (6) and all tenures of any honours, manors, lands, tenements or hereditaments, or any estate of any inheritance at the common law, held either of the King, or of any other person or persons, bodies politick or corporate are hereby enacted to be turned into free and common socage, to all intents and purposes, from the said twenty-fourth day of *February* one thousand six hundred forty-five, and shall be so construed, adjudged and deemed to be from the said twenty-fourth day of *February* one thousand six hundred forty-five, and for ever thereafter turned into free and common socage; any law, statute, custom or usage to the contrary hereof in any wise notwithstanding.

II. And that the same shall for ever hereafter stand and be discharged of all tenure by homage, escuage, voyages royal and charges for the same, wardships incident to tenure by knights-service, and values and forfeitures of marriage, and all other charges incident to tenure by knights-service, and of and from *aide pur file marrier*, and *aide pur fair fitz chivalier*; any law, statute, usage or custom to the contrary in any wise notwithstanding: (2) And that all conveyances and devises of any manors, lauds, tenements and hereditaments made since the said twenty-fourth day of *February*, shall be expounded to be of such effect, as if the same manors, lands, tenements and hereditaments had been then held and continued to be holden in free and common socage only; any law, statute, custom or usage to the contrary hereof in any wise notwithstanding.

III. And be it further ordained and enacted by the authority of

The acts of
31 H. 8. c. 46.
& 33 H. 8.
c. 22. repealed.

of this present parliament, That one act made in the reign King Henry the Eighth, intituled, *An act for the establishment of the court of the King's wards*; and also one act of parliament made in the thirty-third year of the reign of the said King Henry the Eighth, concerning the officers of the court of wards and liveries, and every clause, article and matter in the said act contained, shall from henceforth be repealed and utterly void.

All tenures to
be created by
the King here-
after shall be
free and com-
mon socage.
Dyer 44. pl.
28.

IV. And be it further enacted by the authority aforesaid, That all tenures hereafter to be created by the King's majesty, his heirs or successors, upon any gifts or grants of any manors, lands, tenements or hereditaments, of any estate of inheritance at the common law, shall be in free and common socage, and shall be adjudged to be in free and common socage only, and not by knights-service or *in capite*, and shall be discharged of all wardship, value and forfeiture of marriage, livery, prime seisin, *ousterlemain*, *aide par faire fitz chivalier* and *pur file marier*; any law, statute or reservation to the contrary thereof in any wise notwithstanding.

Proviso for
rents certain,
heriots, &c.

V. Provided nevertheless, and be it enacted, That this act, or any thing herein contained, shall not take away, nor be construed to take away, any rents certain, heriots or suits of court belonging or incident to any former tenure now taken away or altered by virtue of this act, or other services incident or belonging to tenure in common socage, due or to grow due to the King's majesty, or mean lords, or other private person, or the fealty and distresses incident thereunto; (2) and that such relief shall be paid in respect of such rents as is paid in case of the death of a tenant in common socage.

Fines for alien-
ations due by
particular cus-
toms of man-
ors.

VI. Provided always, and be it enacted, That any thing herein contained shall not take away, nor be construed to take away, any fines for alienation due by particular customs of particular manors and places, other than fines for alienations of lands or tenements holden immediately of the King *in capite*.

Tenures in
Frank Almoign.

VII. Provided also, and be it further enacted, That this act, or any thing therein contained, shall not take away or be construed to take away, tenures in *Frank Almoign*, or to subject them to any greater or other services than they now are; (2) nor to alter or change any tenure by copy of court roll, or any services incident thereunto; (3) nor to take away the honorary services of grand-serjeantry, other than of wardship, marriage and value of forfeiture of marriage, escheage, voyages royal and other charges incident to tenure by knights-service; and other than *aide pur faire fitz chivalier*, and *aide pur file marier*.

Copy of court-
roll.

Honorary ser-
vices.

Parents may
dispose of the
custody of
children du-
ring their mi-
nority.

VIII. And be it further enacted by the authority aforesaid, That where any person hath or shall have any child or children under the age of one and twenty years, and not married at the time of his death, That it shall and may be lawful to and for the father of such child or children, whether born at the time of the decease of the father, or at that time in *ventre sa mere*, or whether such father be within the age of one and twenty years, or of full age, by his deed executed in his life-time, or by his

Vaughan 177.
3 Mod. 24.

last

ast will and testament in writing, in the presence of two or more credible witnesses, in such manner, and from time to time as he shall respectively think fit, to dispose of the custody and tuition of such child or children, for and during such time as he or they shall respectively remain under the age of one and twenty years, or any lesser time, to any person or persons in possession or remainder, other than popish recusants; (2) and that such disposition of the custody of such child or children made since the twenty-fourth of February one thousand six hundred forty-five, or hereafter to be made, shall be good and effectual against all and every person or persons claiming the custody or tuition of such child or children as guardian in socage or otherwise: (3) And that such person or persons, to whom the custody of such child or children hath been or shall be so disposed or devised as aforesaid, shall and may maintain an action of ravishment of ward or trespass, against any person or persons which shall wrongfully take away or detain such child or children, for the recovery of such child or children; (4) and shall and may recover damages for the same in the said action, for the use and benefit of such child or children.

Actions of ravishment of wards.

IX. And be it further enacted, That such person or persons, to whom the custody of such child or children hath been or shall be so disposed or devised, shall and may take into his or their custody to the use of such child or children, the profits of all lands, tenements and hereditaments of such child or children; and also the custody, tuition and management of the goods, chattels and personal estate of such child or children, till their respective age of one and twenty years, or any lesser time, according to such disposition aforesaid; (2) and may bring such action or actions in relation thereunto, as by law a guardian in common socage might do.

The lands of children, and the management of their personal estate by their guardians.

X. Provided also, That this act, or any thing therein contained, shall not extend to alter or prejudice the custom of the city of London, nor of any other city or town corporate, or of the town of Berwick upon Tweed, concerning orphans; nor to discharge any apprentice from his apprenticeship.

XI. Provided also, That neither this act, nor any thing therein contained, shall infringe or hurt any title of honour, feudal or other, by which any person hath or may have right to sit in the lords house of parliament, as to his or their title of honour, or sitting in parliament, and the privilege belonging to them as peers; this act, or any thing therein contained to the contrary in any wise notwithstanding.

Proviso touching titles of honour feudal.

XII. And whereas by like experience it hath been found, That though divers good, strict, and wholesome laws have been made in the times of sundry his Majesty's most noble progenitors, some extending so far as to life, for redress of the grievances and oppressions committed by the persons employed for making provisions for the King's household, carriages and other purveyance for his Majesty and his occasions; yet divers oppressions have been still continued, and several counties have submitted themselves to sundry rates and taxes and compositions,

Purveyances and provisions for the King's household taken away.

to redeem themselves from such vexations and oppressions: (2) And forasmuch as the lords and commons assembled in parliament do find that the said remedies are not fully effectual, and that no other remedy will be so effectual and just, as to take away the occasion thereof especially if satisfaction and recompence shall be therefore made to his Majesty, his heirs and successors, which is hereby provided to his Majesty's good liking and content; his Majesty is therefore graciously pleased That it may be enacted; (3) and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords and commons in this present parliament assembled That from henceforth no sum or sums of money or other thing shall be taken, raised, taxed, rated, imposed, paid or levied for or in regard of any provision, carriages or purveyance for his Majesty, his heirs or successors.

Purveyances
for the King,
Queen, &c.

Timber, carts,
carriages, &c.
taken away.

Altered by 13
Car. 2. stat. 1.
c. 8. s. 2.
13 & 14 Car. 2.
c. 20. s. 1. &
1 Jac. 2. c. 10.

No pre-emp-
tion to be al-
lowed or
claimed in be-
half of the
King, &c.

The penalty.

XIII. And that henceforth no person or persons by any warrant, commission or authority under the great seal or otherwise by colour of buying or making provision or purveyance for his Majesty or any Queen of *England* for the time being, or of any the children of any King or Queen of *England* for the time being or that shall be, or for his, their or any of their household, shall take any timber, fewel, cattle, corn, grain, malt, hay, straw, victual, cart, carriage or other thing whatsoever, of any the subjects of his Majesty, his heirs or successors, without the free and full consent of the owner or owners thereof had and obtained without menace or inforcement; (2) nor shall summon, warn, take, use or require any of the said subjects, to furnish or find any horses, oxen or other cattle, carts, ploughs, wains or other carriages, for the use of his Majesty, his heirs or successors, or of any Queen of *England*, or of any child or children of any the Kings or Queens of *England* for the time being, for the carrying the goods of his Majesty, his heirs or successors, or the said Queens, or children or any of them, without such full and free consent as aforesaid; any law, statute, custom or usage to the contrary notwithstanding.

XIV. And be it further enacted, That no pre-emption shall be allowed or claimed in the behalf of his Majesty or of any his heirs or successors, or of any the Queens of *England*, or of any the children of the royal family for the time being, in market or out of market; (2) but that it be for ever hereafter free to all and every of the subjects of his Majesty, to sell, dispose or employ his said goods to any other person or persons as himself listeth, any pretence of making provision or purveyance of victual, carriages or other thing for his Majesty, his heirs and successors, or of the said Queens or children, or any pretence of pre-emption in their or any of their behalfs notwithstanding; (3) And if any person or person shall make provision or purveyance for his Majesty, his heirs or successors, or any the Queens or children aforesaid, or impress or take any such carriages or other things aforesaid, on any pretence or colour of any warrant aforesaid, under the great seal or otherwise, contrary

trary to the intent hereof, it shall be lawful for the justices of peace, or such two or one of them as dwell near, and to the constables of such parish or village where such occasion shall happen, at the request of the party grieved, and they are hereby enjoined, to commit or cause to be committed the party or parties so doing and offending to gaol, till the next sessions, there to be indicted and proceeded against for the same; and that the officers and inhabitants of the village or parish where such offence shall happen, shall be assistant therein; (4) and moreover, the party grieved shall have his action or actions against such offender or offenders, and therein recover his treble damages and treble costs: In which action, no essoin, wager of law, aid-prayer, privilege, protection, imparlance, injunction or order of restraint shall be granted or allowed: (5) And if any person or persons shall (after notice given that the action depending is grounded upon this statute) cause or procure any action at the common law grounded on this statute, to be delayed or stayed before judgment, by colour or means of any order, power, warrant or authority, save only of the court where such action shall be brought and depending, or after judgment had upon such action, shall cause or procure execution of such judgment to be stayed or delayed by colour or means of any order, warrant, power or authority, save only by writ of error or attain, or order of such court where such writ of error or attain shall be depending; that then the person so offending shall incur the pains, penalties and forfeitures ordained and provided by the statute of provision and *præmunire* made in the sixteenth year of the reign of King *Richard the Second*: (6) Provided always, That this act extend not to prejudice any of his Majesty's rights, titles or duties of, in or to, or out of any tin in the stannaries of *Devon* and *Cornwall*, nor to prejudice the ancient duties of butlerage and prize of wines; but that the same shall be in the same plight that the same were before the making of this act; any thing herein contained to the contrary in any wise notwithstanding. (7) And now to the intent and purpose that his Majesty, his heirs and successors, may receive a full and ample recompence and satisfaction, as well for the profits of the said court of wards, and the tenures, wardships, liveries, primer seisin, *ouster le mains*, and other the premises and perquisites incident thereunto; and for all arrears any way due for the same, as also for all and all manner of purveyance and provisions herein before-mentioned, and intended to be taken away and abolished; and all sums of money due or pretended to be due or payable for and in respect of any compositions for the same:

No action upon this statute to be stayed, but by order of the court where such action depends.

Præmunire,
16 R. 2. c. 5.

Proviso for the
stannaries,
butlerage,
prize.

Recompence
to his Majesty
for the court
of wards and
purveyances.

XV. Be it therefore enacted by the authority aforesaid, That there shall be paid unto the King's majesty, his heirs and successors for ever hereafter, in recompence as aforesaid, the several rates, impositions, duties and charges herein after expressed, and in manner and form following: That is to say,

XVI. For

12 Car. 2. c. 24.
Rates of the
excise.

XVI. For every barrel of beer or ale above six shillings the barrel, brewed by the common brewer, or any other person or persons who doth or shall sell or tap out beer or ale publicly or privately, to be paid by the common brewer, or by such other person or persons respectively, and so proportionably for a greater or lesser quantity, one shilling three pence. XVI.

XVII. For every barrel of six shillings beer or ale, or under, brewed by the common brewer, or any other person or persons who doth or shall sell or tap out such beer or ale publicly or privately, to be paid by the said common brewer, or by such other person or persons respectively, as aforesaid, and so proportionably for a greater or lesser quantity, three pence. XVII.

XVIII. For all cyder and perry made and sold by retail, upon every hoghead, to be paid by the retailer thereof, and so proportionably for a greater or lesser measure, one shilling three pence. XVIII.

XIX. For all metheglin or mead sold, whether by retail or otherwise, to be paid by the maker thereof, upon every gallon, one half-penny. XIX.

XX. For every barrel of beer, commonly called vinegar-beer, brewed by any common brewer in any common brewhouse, six pence. XX.

XXI. For every gallon of strong water or *aqua-vita*, made and sold, to be paid by the maker thereof, one penny. XXI.

XXII. For every barrel of beer or ale imported from beyond the seas, three shillings. XXII.

XXIII. For every ton of cyder or perry imported from beyond the seas, and so proportionably for a greater or lesser quantity, five shillings. XXIII.

XXIV. For every gallon of spirits made of any kind of wine or cyder imported, two pence. XXIV.

XXV. For every gallon of strong-water perfectly made, imported from beyond the seas, four pence. XXV.

XXVI. For every gallon of coffee made and sold, to be paid by the maker thereof, four pence. XXVI.

XXVII. For every gallon of chocolate, sherbet and tea, made and sold, to be paid by the maker thereof, eight pence. XXVII.

Explained by
22 Car. 2. c. 4.
f. 2.

The duties on
coffee, &c. re-
pealed by 1 W.
& M. stat. 2.
c. 6.

Rates of ex-
cise upon fo-
reign liquors
imported, to
be paid in mo-
ney before
landing.

Entries to be
made at the
excise-office
by common
brewers, inn-
keepers, &c.

XXVIII. And be it further enacted and ordained by the authority aforesaid, That the several rates, duties and charges of excise, or new imposts above mentioned, hereby set or imposed upon all and every the said foreign liquors which shall be imported or brought into all or any the ports of this kingdom and dominions thereof aforesaid, from and after the five and twentieth day of *December* next, shall be from time to time *statute* and paid by the merchant or merchants, importer or importers of the same, in ready money, upon his or their entry or entries made, and before the landing thereof.

XXIX. And be it further enacted by the authority aforesaid That all common brewers of beer and ale, shall once in every week, and all inn-keepers, alehouse-keepers, victuallers and other retailers of beer, ale, cyder, perry, metheglin or strong water, brewing, making or retailing the same, shall once in every month make true and particular entries at the office of excise, within the limits of which the said commodities and manufactures are made, of all beer, ale, perry, cyder, metheglin

glin, strong-water or other the liquors aforesaid, which they or any of them shall brew, make or retail in that week and month respectively as aforesaid.

XXX. And be it further enacted by the authority aforesaid, The penalty for not making entries. That all such common brewers who do not once a week make due and particular entries, shall forfeit ten pounds: (2) And that every such inn-keeper who doth not make true and particular entries once a month, shall forfeit five pounds: (3) And that every alehouse-keeper, victualler, or other retailer who doth not once a month make due and particular entries, shall forfeit twenty shillings.

XXXI. And be it further enacted by the authority aforesaid, The penalty for not paying. That every common brewer who shall not pay and clear off within a week after he made his entry, or ought to have made his entry, as aforesaid, shall pay double the value of the duty: (2) And that every inn-keeper, alehouse-keeper, victualler, or other retailer who shall not pay and clear off within a month after he made his entry, or ought to have made his entry as aforesaid, shall pay double the value of the duty: (3) The said respective forfeitures to be levied upon their goods and chattels; in such manner and form as hereafter in this act is ordained and directed.

XXXII. Provided, That no such person as aforesaid shall be In what places entries shall be made. Farther provisions relating hereto, 15 Car. 2. c. 11. f. 9. compelled by the commissioners, or sub-commissioners of the excise, to travel for the making of the said entries or payment of the said duties or other cause whatsoever touching or concerning the same, if he live in a market-town, out of the said town; if he live out of a market-town, then to no other place than to the next market-town to his habitation in the same county, on the market-day.

XXXIII. And be it further enacted and ordained by the authority aforesaid, That the commissioners who shall be appointed by his Majesty for putting this act in execution, and their sub-commissioners in their respective circuits and divisions, shall hereby have power to constitute under their hands and seals such and so many gagers as they shall find needful: (2) Which gagers, and every of them, shall at all times, as well by night as by day, and if by night, then in the presence of a constable or other lawful officer, be permitted upon their request to enter the house, brew-house, distilling-house, and all other houses and places whatsoever belonging to, or used by any brewer, inn-keeper, victualler, or other retailer of beer, brewing or making the same, as aforesaid, or by any distiller of strong waters, or retailer of other the liquors aforesaid, and to gage all coppers, fats and vessels in the same, and to take an account of beer, ale, worts, perry, cyder, strong waters, *aqua-vitæ*, methegin, or other the liquors aforesaid, in the said houses, places and vessels, from time to time brewed or made, and distilled; (3) and thereof to make return or report in writing to the said commissioners or sub-commissioners of excise, under whose office and limits such brewer, retailer, distiller or maker of the liquors

The powers of the commissioners to appoint gagers.

The powers of the gagers.

quors aforesaid doth dwell and inhabit, leaving a true copy of such return in writing under his hand with such brewer, retailer, distiller, or maker of the liquors aforesaid; (4) and such reports or returns of the said gagers shall be a charge upon the said brewers, makers and retailers respectively: (5) And if any such common brewer, maker or retailer, shall refuse to permit any such gager or gagers to enter his brew-house or any other places aforesaid mentioned, or to gage or take account of his brewing vessels, or of any such beer, ale, worts, perry, cyder, strong water, *aqua-vita*, metheglin, or other the liquors aforesaid, such brewer, retailer or distiller, shall be forthwith forbidden by the said gager or gagers, to sell, carry out or deliver to any of his customers, any beer, ale, strong-water, *aqua-vita*, or other the liquors aforesaid; (6) and if any such brewer, retailer, or distiller of any the liquors aforesaid, after such warning given, shall sell, carry or deliver out the same, or any part thereof, not having paid and cleared the duty of excise, such person and persons shall, besides the forfeiture of double the value, forfeit and lose the sum of ten pounds as aforesaid, for every offence, to be levied and recovered upon his or their goods and chattels in manner and form as hereafter in this act is provided.

Penalty for selling, &c. not having cleared the excise.

Proportions to be observed in returns of gagers.

XXXIV. And for the avoiding of all uncertainty and dispute touching the returns made or to be made by the gagers of any beer or ale so brewed as aforesaid; (2) be it enacted and declared by the authority aforesaid, That every six and thirty gallons of beer taken by the gage according to the standard of the ale-quart, four whereof shall make the gallon, remaining in the custody of the chamberlains of his Majesty's exchequer, shall be reckoned, accounted and returned by the gager, for a barrel of beer, and every two and thirty gallons of ale taken by the gage according to the same standard, shall be in like manner reckoned, accounted and returned for a barrel of ale, and all other the liquors aforesaid according to the wine gallon.

Brewers and retailers to observe the usual rates and prices.

XXXV. Provided always, and be it enacted and ordained by the authority aforesaid, That no brewers or retailers of beer and ale, shall take any more in the price thereof, upon sale of the same, than according to the usual rates and prices, saving that every common brewer shall and may take and receive of all and every person and persons to whom he shall sell and deliver any ale or beer, the excise thereupon due as aforesaid, over and above the usual rates and prices.

Encouragement to brewers to make true entries.

XXXVI. And be it enacted by the authority aforesaid, That for the better encouragement of all common brewers and makers of beer or ale to make due entry and payment thereof according as by this act is appointed, the said common brewer, not selling the same by retail, for and in consideration of waste by fillings and leakage of their beer and ale, shall have and be allowed out of the said returns made by the gagers, the several allowances and abatements hereafter mentioned, (that is to say) upon every three and twenty barrels of beer, whether strong

Allowance for waste and leakage.

or small, returned by the said gagers, three barrels; and upon every two and twenty barrels of ale, whether strong or small, returned by the gagers, two barrels; which said allowances and abatements the said commissioners to be appointed as aforesaid; and their sub-commissioners, are hereby authorized to allow and make accordingly.

XXXVII. Provided always, That where any common brewer shall wittingly or willingly make a false entry, and be convicted for the same before the commissioners to be appointed as aforesaid, or any two of them, or before such other person or persons as are hereafter by this act appointed, in that case such brewer or brewers shall forfeit and lose over and besides the penalties before-mentioned, the said allowance so to be made, for six months then next ensuing.

Forfeiture for making false entries.

XXXVIII. And be it enacted and ordained by the authority aforesaid, That no beer or ale shall be delivered in by such brewer or maker thereof, to any victualler or other retailer thereof, until the rate which by such victualler or retailer is to be paid over and above the price of the said beer or ale, for or in respect of this duty, be first paid and satisfied by the said victualler or retailer, to the brewer or maker thereof.

No beer, &c. to be delivered, by the brewer until the excise be paid by the retailer.

XXXIX. Provided always, That if any person or persons shall brew and sell by retail any small quantities of beer or ale in any fair within this realm or dominions aforesaid, who is not otherwise any common or usual brewer or retailer thereof, and shall before any such selling and retailing thereof, well and truly pay and satisfy the duty due for the same to the commissioners or sub-commissioners within whose limits or divisions the said fair shall be held, or to their officers thereunto appointed; that then such person or persons so brewing or retailing the same, and for so much and no more, nor otherwise, shall be freed and discharged from all penalties and forfeitures in and by this act before mentioned and imposed; any thing therein contained to the contrary notwithstanding.

Proviso for beer and ale sold in fairs.

XL. Provided nevertheless, That it shall and may be lawful to and for the said commissioners and sub-commissioners respectively, to compound for this duty with any inn-keeper, victualler, alehouse-keeper or retailer of beer, ale and other the liquors aforesaid, within their respective divisions, from time to time, and in such manner and form as may be most for the advantage and improvement of the receipts thereof; any thing in this act before contained to the contrary notwithstanding.

The commissioners may compound for the excise in their divisions.

XLI. And it is further ordained and enacted by the authority aforesaid, That the lord treasurer, or commissioners of the treasury for the time being, or such other person or persons as his Majesty, his heirs and successors shall appoint, shall have power, and are hereby authorized and impowered from time to time to treat, contract, conclude and agree with any person or persons for or concerning the farming of all or any the rates, duties and charges in this act mentioned, upon beer, ale, perry, cyder or other the liquors aforesaid, in any the respective coun-

The power of the lord treasurer, &c. to contract for farming any the rates or duties in this act.

ties, cities or places of this realm or dominions thereof, as be for the greatest benefit and advantage of the said receipt, as the same exceed not the term of three years.

XLII. And be it further enacted, That every such contrabargain and agreement of the lord treasurer, or commissaries of the treasury, or other persons aforesaid, on behalf of Majesty on the one part, and the person or persons farming the other part, shall be good and effectual in law, to all intents and purposes.

Persons to be approved by the justices of the peace, &c. within six months, to have the refusal of contracting for the excise in their respective counties.

XLIII. Provided always, to the end the aforesaid duty be paid with most ease to the people, it is hereby further enacted, That the lord treasurer, commissioners of the treasury, other persons aforesaid, shall not within six months after commencement of this act, treat, conclude or agree with any person or persons touching the farming of this duty upon any town and ale in any the respective counties or places of this realm or dominions thereof, other than with such person or persons by the justices of peace of the said counties or places, or the major part of them, at their publick quarter-sessions shall be nominated and appointed in that behalf, which person or persons is to have the first refusal of any such farm respectively, and may take the same; any thing in this act to the contrary thereof in any wise notwithstanding.

XLIV. Provided, That the said duty shall not be let to any other person or persons, than to the person or persons recommended by the justices, under the rate that it shall be tendered to, and refused by, such person or persons so recommended.

Forfeitures and offences within this act, how to be determined.

XLV. And be it further enacted and ordained by the authority aforesaid, That all forfeitures and offences made, done or committed against this act, or any clause or article therein contained, shall be heard, adjudged and determined by such person or persons, and in such manner and form as hereafter and by this act is directed and appointed; that is to say, (1) That such forfeitures and offences made and committed within the immediate limits of the chief office in London, shall be heard, adjudged and determined by the said chief commissioners and governors of excise (appointed by his Majesty) or the major part of them, or by the commissioners for appeals, and regulating of this duty, or the major part of them, in case of appeal, and not otherwise: (2) And all such forfeitures and offences made and committed within all or any other the counties, cities, towns or places within this kingdom or dominions thereof shall be heard and determined by any two or more of the justices of the peace residing near to the place where such forfeitures shall be made or offence committed: (4) And in case of neglect or refusal of such justices of the peace, by the space fourteen days next after complaint made, and notice thereof given to the offender, then the sub-commissioners, or the major part of them, appointed for any such city, county, town or place, shall and are hereby empowered to hear and deter-

London.

Counties, cities, &c. within this kingdom.

Neglects of the justices.

maine the same; (5) and if the party find himself aggrieved by the judgment given by the said sub-commissioners, he shall and may appeal to the justices of the peace at the next quarter-sessions, who are hereby impowered and authorised to hear and determine the same, whose judgment therein shall be final; (6) which said commissioners for appeals, and regulating of this duty, and the chief commissioners for excise, and all justices of peace, and sub-commissioners aforesaid respectively, are hereby authorized and strictly enjoined and required, upon any complaint or information exhibited and brought of any such forfeiture made, or offence committed contrary to this act, to summon the party accused, and upon his appearance or contempt, to proceed to examination of the matter of fact, and upon due proof made thereof; either by the voluntary confession of the party, or by the oath of one or more credible witnesses (which oath they or any two or more of them have hereby power to administer) to give judgment or sentence, according as in and by this act is before ordained and directed, and to award and issue out warrants under their hands, for the levying of such forfeitures, penalties and fines, as by this act is imposed for any such offence committed, upon the goods and chattels of the offender, and to cause sale to be made of the said goods and chattels; if they shall not be redeemed within fourteen days, rendering to the party the overplus, if any be, and for want of sufficient distress, to imprison the party offending till satisfaction be made.

XLVI. Provided nevertheless, That it shall and may be lawful to and for the said respective justices of the peace, commissioners for excise, or any two of them, or their sub-commissioners respectively, from time to time, where they shall see cause, to mitigate, compound or lessen such forfeiture, penalty or fine, as in their discretion they shall think fit; and that every such mitigation and payment thereupon accordingly made, shall be a sufficient discharge of the said penalties and forfeitures to the persons so offending; so as by such mitigation the same be not made less than double the value of the duty of excise, which should or ought to have been paid, besides the reasonable costs and charges of such officer or officers, or others as were employed therein, to be to them allowed by the said justices; anything in this act to the contrary in any wise notwithstanding:

2) And it is hereby further enacted and ordained, That all fines forfeitures and penalties mentioned in this act, all necessary charges for the recovery thereof being first deducted, shall be employed, three fourth parts thereof to and for the use of the King's majesty, and one fourth part to the discoverer or informer of the same. (3) And for the better managing, collecting, securing, levying and recovering of all and every the said rates and charges of excise hereby imposed and set upon all or any of the commodities before-mentioned, to the end the same may be paid and disposed of according to the

Levying the
forfeitures.

Power to mi-
tigate the for-
feitures.

How the fines
and forfei-
tures shall be
employed.

One principal
office of excise
to be erected
in London.

intent of this present act, (4) be it further enacted and ordained by authority aforesaid, and it is hereby enacted, that one principal head office shall be erected and continued in the city of *London*, or within ten miles thereof, from time to time, as long as his Majesty shall think fit, for this duty, unto all other offices for the same within *England* and *Wales*, and town and port of *Berwick*, shall be subordinate and accountable, which said office shall be managed by such officers as shall be appointed by the King's majesty, as aforesaid, who, or any of them, are hereby appointed and constituted commissioners and governors for the management of his Majesty's revenue of excise, and to sit in some convenient place in the city of *London*, or within ten miles thereof, from time to time, as long as his Majesty shall think fit, for the ends aforesaid.

XLVII. And be it enacted by the authority aforesaid, that no person or persons shall be capable of intermeddling with the office or employment relating to the excise, until he or they shall have taken the oaths before two or more justices of peace in the county, where their employments shall be, or before one of the barons of the exchequer, take the oaths of allegiance and supremacy, with the oaths they have hereby power to administer, together with the oath following, *mutatis mutandis*.

The oath.

(2) **YOU** shall swear to execute the office of excise truly and faithfully, without favour or affection, and to render from time to time true account make and deliver to such persons as his Majesty shall appoint to receive the same, and shall receive fee or reward for the execution of the said office, from any person than from his Majesty, or those whom his Majesty shall appoint in that behalf.

London, Westminster, &c.
to be under
the manage-
ment of the
chief office.

All commis-
sioners, &c. to
be nominated
by his Majesty.

Times in
which the of-
fice shall be
kept open.

XLVIII. And be it further enacted by the authority aforesaid, That every such justice of the peace shall certify the taking of such oath to the next quarter-sessions, there to be recorded. (2) And it is further enacted, That all parts of the cities of *London* and *Westminster*, with the borough of *Southwark*, and several suburbs thereof, and parishes within the weekly bills of mortality, shall be under the immediate care, inspection and management of the said head office, (3) and such and so many subordinate commissioners and sub-commissioners, and other officers and ministers for the execution of the premisses, shall from time to time nominated and appointed by his Majesty, his heirs and successors, in all and every other the counties, cities, towns and places within this kingdom of *England*, dominion of *Wales*, and port of *Berwick*, as from time to time his Majesty his heirs and successors, shall think fit. (4) And it is hereby further enacted, That the said office of excise in all places where it shall be appointed, shall be kept open from eight of the clock in the morning till twelve of the clock at noon; and from five of the clock in the afternoon till five of the clock in the afternoon, for the due execution and performance of all and every

matters and things in this act appointed and required. (5) It is further hereby enacted, That the said chief commission- of excise, or the major part of them, shall from time to time = forth and pay such sum and sums of money, as shall from = to time be received, collected or levied by virtue of this into his Majesty's receipt of exchequer.

XLIX. Provided always, and be it enacted, That if any per- The general
or persons shall at any time be sued or prosecuted for any issue pleadable
ng by him or them done or executed in pursuance of this act, in any action
or they shall and may plead the general issue, and give this upon this sta-
in evidence for his defence; (2) and if upon the trial a ver- tute.
t shall pass for the defendant or defendants, or the plaintiff
plaintiffs be nonsuit, then such defendant or defendants shall
ve double costs to him or them awarded against such plaintiff
plaintiffs.

L. Provided also, and be it enacted, That no writ or writs of Writs of *certi-*
iorari shall supersede execution or other proceeding, upon a *orari* no super-
order or orders made by the justices aforesaid in pursuance of sedes.
is act, but that execution and other proceedings shall and may
had and made thereupon, any such writ or writs, or allow-
ce thereof notwithstanding.

LI. Provided, That this act, or any thing therein contained, Proviso as to
all not extend or be construed to extend in any manner to the act of ge-
eaken or invalidate one act of this present parliament, intituled, *general pardon,*
An act of free and general pardon, indemnity and oblivion, but 12 Car. 2. c. 11.
at every clause, article, matter and thing therein mentioned
nd comprised, shall notwithstanding this act or any matter or
ing therein, remain good and valid, and be of the same force,
irtue and effect, as if this act had never been made.

LII. Provided always, and be it further enacted, That this Proviso con-
ct, or any thing therein contained, shall not be prejudicial to cerning Edw.
Edward Backwell alderman of *London*, as to the sum of twenty- Backwell.
eight thousand four hundred and fifty pounds (or any part there-
of) by him advanced upon the credit of several orders of this
present parliament, and by them charged on the receipt of the
grand excise; that is to say, the sum of five thousand pounds pay-
able to his Majesty's surveyor general for the repair of his Maje-
sty's houses, charged by virtue of an order of the sixth of *September*
one thousand six hundred sixty, with interest for the same; the
sum of ten thousand pounds advanced to her Highness the Princess
Royal, being charged with interest by an order of the thirteenth
of *September* one thousand six hundred sixty; the sum of ten
thousand pounds payable to her Majesty the Queen of *Bohemia*,
being charged together with interest, by an order of the thir-
teenth of *September* one thousand six hundred sixty; the sum of
three thousand four hundred and fifty pounds payable for pro-
visions for *Dunkirk*, by order of the twenty-sixth of *November* one
thousand six hundred sixty; which sum of twenty-eight thousand
four hundred and fifty pounds, together with the interest for
the same, according to the tenor of the said orders, after the
rate of six per cent. shall be paid to the said *Edward Backwell*, or his
assigns,

assigns, out of the grand excise, and the arrears thereof in course as is by the said orders appointed; and in case the same shall be short in payment by the twenty-fifth of *December* one thousand six hundred and sixty, that then the remainder shall continue secured to him out of the whole excise in course, as aforesaid and that no other payments be made out of the excise, but what is appointed by this present parliament in course to precede the same, until the said debt due to the said *Edward Backwell* be satisfied; and that in case any part of the monies due to *alderman Backwell* be paid out of that part of the excise which shall grow due to the King's majesty, that then his Majesty shall be reimbursed the same out of the first monies that shall come in of the arrears of excise that will be due the said twenty-fifth of *December*. *Car. 2. stat. 1. c. 7.*

CAP. XXV.

An act for the better ordering the selling of wines by retail and for preventing abuses in the mingling, corrupting and viciating of wines, and for setting and limiting the price of the same.

FOR the better ordering of selling of wines by retail in taverns and other places, and for preventing of abuses therein, (1) be it enacted by the King's most excellent majesty, by and with the consent of the lords and commons in parliament assembled and by the authority of the same, That no person or persons whatsoever, from and after the five and twentieth day of *March* one thousand six hundred sixty-one, unless he or they be authorized and enabled in manner and form as in this present act prescribed and appointed, shall sell or utter by retail, that is, by the pint, quart, pottle or gallon, or by any other greater or lesser retail measure, any kind of wine or wines to be drunk or spent within his or their mansion house or houses, or other place in his or their tenure or occupation, or without such mansion house or houses, of such other place in his or their tenure or occupation, by any colour, craft or mean whatsoever; (2) upon pain to forfeit for every such offence the sum of five pounds the one moiety of every such penalty to be to our sovereign lord the King; the other moiety to him or them that will sue for the same by action of debt, bill, plaint or information, in any of the King's courts of record, in which action or suit no essoin, wager of law or protection shall be allowed.

The penalty for uttering wine by retail. *Carthew 216.*

His Majesty may issue out commissions to licence the uttering wine.

II. And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for his Majesty, his heirs and successors, from time to time, to issue out under his or their great seal of *England* one or more commission or commissions directed to two or more persons, thereby authorizing them to licence and give authority to such person or persons as they shall think fit, to sell and utter by retail all and every, or any kind of wine or wines whatsoever, to be drunk and spent, as well within the house or houses, or other place in the tenure or oc-

cupation of the party so licenced, as without, in any city, town or other place within the kingdom of *England*, dominion of *Wales*, and town and port of *Berwick upon Tweed*; (2) and such persons as from time to time, or at any time hereafter shall be by such commission or commissions, as aforesaid, in that behalf appointed, shall have power and authority, and hereby have power and authority, to treat and contract for licence, authority and dispensations to be given and granted to any person or persons for the selling and uttering of wines by retail in any city, town or other place, as aforesaid, according to the rules and directions of this present act, and the true intent and meaning thereof, and not otherwise; any law, statute, usage or custom to the contrary in any wise notwithstanding.

III. And be it further enacted by the authority aforesaid, That such persons as shall be commissioned and appointed by his Majesty, his heirs or successors, as aforesaid, shall be and be called his Majesty's agents for granting licences for the selling and uttering of wine by retail: and his Majesty's said agents are hereby authorized and enabled under their seal of office, the same to be appointed by his Majesty, to grant licence for the selling and uttering of wines by retail to any person or persons, and for any time or term not exceeding twenty-one years, if such person or persons shall so long live, and for such yearly rent as they can or shall agree and think fit, so as no fine be taken for the same, but that the rent and sums of money agreed upon and reserved be paid and answered half-yearly by equal portions during the whole term.

His Majesty's agents for granting wine licences, may grant licences not exceeding 21 years, if the person so long live.

Rent reserved, but no fine to be taken.

IV. And be it further enacted by the authority aforesaid, That such licence shall not be given or granted but to such who shall personally use the trade of selling or uttering of wines by retail, or to the landlord and owner of the house where the person using such trade shall sell and utter wine by retail; nor shall the same be assignable, nor in any wise beneficial or extensive to indemnify any person against the penalties of this present act, except the first taker.

Licences only to such as personally use the trade.

Wine licences not assignable.

V. And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for his Majesty, his heirs and successors, to constitute and appoint such and so many other officers and ministers, as a receiver, register, clerk, comptroller, messenger, or the like, for the better carrying on of this service, as he and they shall think fit, so as the salaries and wages of all such officers to be appointed, together with the salary or wages of his Majesty's said agents, do not exceed six pence in the pound of the revenue that shall hence arise.

The King may appoint officers as he shall think fit.

Not exceeding six-pence in the pound for their salaries.

VI. And be it further enacted by the authority aforesaid, That the rents, revenues, and sums of money hence arising, except what shall be allowed for the wages and salaries of such officers and ministers, which is not to exceed six pence out of every pound thereof, shall be duly and constantly paid and answered into his Majesty's receipt of exchequer, and shall not be particularly charged or chargeable, either before it be paid into

The revenue to be paid in to the exchequer, and not to be charged with any gift or pension.

The agents to return into the exchequer in Michaelmas and Easter term what licences they have granted.

the exchequer or after, with any gift or pension : (2) and his Majesty's said agents are hereby enjoined and required to return into the court of exchequer, every *Michaelmas* and *Easter* term, upon their oaths (which oaths the barons of the exchequer, or any one of them, are hereby authorized to administer) a book fairly written, containing a full and true account of what licences have been granted the preceding half-year, and what rents and sums of money are thereupon reserved, and have been paid, or are in arrear, together with the securities of the persons so in arrear, to the end due and speedy process may be made out according to the course of the exchequer, for the recovery of the same.

Proviso for the two universities, and their privileges.

VII. Provided always, That this act, nor any thing therein contained, shall not in any wise be prejudicial to the privilege of the two universities of this land, or either of them, nor to the chancellors or scholars of the same, or their successors; but that they may use and enjoy such privileges as heretofore they have lawfully used and enjoyed, any thing herein to the contrary notwithstanding.

Proviso for the society of the vintners of London.

VIII. Provided also, That this act, nor any thing therein contained, shall not extend to be prejudicial to the master, wardens, freemen and commonalty of the mystery of vintners of the city of London; or to any other city or town corporate; but that they may use and enjoy such liberties and privileges as heretofore they have lawfully used and enjoyed, any thing herein contained to the contrary notwithstanding.

Proviso for the borough of St. Albans.

IX. Provided also, and be it enacted by the authority aforesaid, That this act, or any thing therein contained, shall not in any wise extend to debar or hinder the mayor and burgesses of the borough of St. Albans in the county of Hertford, or their successors, from enjoying, using and exercising of all such liberties, powers and authorities to them heretofore granted by several letters patents under the great seal of England, by Queen Elizabeth and King James of famous memories, for the erecting, appointing, and licensing of three several wine-taverns within the borough aforesaid, for and towards the maintenance of the free school there; but that the same liberties, powers, and authorities shall be and are hereby established and confirmed, and shall remain and continue in and to the said mayor and burgesses, and their successors, to and for the charitable use aforesaid, and according to the tenor of the letters patents aforesaid, as though this act had never been made; any thing herein contained to the contrary in any wise notwithstanding.

Fees of the officers.

X. Provided also, That it shall not nor may be lawful to or for any officer or officers to be appointed by his Majesty for the carrying on of this service, to take, demand or receive any fees, rewards or sums of money whatsoever, for or in respect of this service, other than five shillings for a licence, four pence for an acquittance, and six pence for a bond, under the penalty of ten pounds; one moiety thereof to the King's majesty; the other moiety to the person or persons who shall sue for the same.

ame by action of debt, bill, plaint or information, wherein no wager of law, essoin or protection shall be allowed; any thing herein, or any other matter or thing, to the contrary notwithstanding.

XI. And it is hereby further enacted by the authority aforesaid, That no merchant, vintner, wine-cooper or other person selling or retailing any wine, shall mingle or utter any wine mingled with any *French* wine, or *Rhenish* wine, cyder, perry, honey, sugar, syrups of sugar, molasses, or any other syrups whatsoever, nor put in any isinglass, brimstone, lime, raisins, juice of raisins, water, nor any other liquor nor ingredients, nor any clary or other herb, nor any sort of flesh whatsoever; (2) and that no merchant, vintner, wine-cooper or other person selling or retailing any wine, shall mingle or utter any *French* wines mingled with any *Rhenish* wines or *Spanish* wines, cyder, perry, stummed wine, vitriol, honey, sugar, syrup of sugar, molasses, or any syrups whatsoever, nor put in any isinglass, brimstone, lime, raisins, juice of raisins, water, nor any other liquor or ingredients, nor any clary or other herb, nor any sort of flesh whatsoever; (3) and that no merchant, vintner, wine-cooper or other person selling or retailing any wine, shall mingle or utter any *Rhenish* wine mingled with any *French* wines or *Spanish* wines, cyder, perry, stummed wine, vitriol, honey, sugar, syrups of sugar, molasses, or any other syrups whatsoever, nor put in any isinglass, brimstone, lime, raisins, juice of raisins, water, nor any other liquor or ingredients, nor any clary or other herb, nor any sort of flesh whatsoever: (4) and that all and every person and persons committing any of the offences aforesaid, shall incur the pains and penalties herein after mentioned; That is to say, every merchant, wine-cooper, or other person selling any sort of wines in gross, mingled or abused as aforesaid, shall forfeit and lose for every such offence one hundred pounds; (5) and that every vintner or other persons selling any sorts of wine by retail, mingled or abused, as aforesaid, shall forfeit and lose for every such offence the sum of forty pounds: (6) of which forfeitures one moiety shall go unto the King's majesty, his heirs and successors; the other moiety to the informer, to be recovered in any court of record by action of debt, bill, plaint or information, wherein no essoin, protection or wager of law shall be allowed.

There shall be no mixture of other wines or things.

The penalties of mingling or abusing any wines.

XII. Provided always, and be it enacted, That from and after the first day of September one thousand six hundred sixty and one, no *Canary* wines, *Muskadell* or *Allegant*, or other *Spanish* or sweet wines, shall be sold or uttered by any person or persons within his Majesty's kingdom of *England*, dominion of *Wales*, and town of *Berwick* upon *Tweed*, by retail for above eighteen pence the quart: (2) and that no *Gascoigne* or *French* wines whatsoever shall be sold by retail above eight pence the quart; (3) and that no *Rhenish* wines whatsoever shall be sold by retail above twelve pence the quart; (4) and according to these rates, for a greater and lesser quantity, all and every the said wines shall and may

The prices of wines.

be sold) (5) upon pain and penalty that every such person or persons, who shall utter or sell any of the said wines by retail, that is to say, by the pint, quart, pottle or gallon, or by any other greater or lesser retail measure, at any rate exceeding the rates hereby limited, do and shall forfeit for every such pint, quart, pottle, gallon, or other greater or lesser quantity so sold by retail, the sum of five pounds: the one moiety of which forfeiture shall be to our sovereign lord the King, his heirs and successors, and the other moiety to him or them that will sue for the same, to be recovered in manner and form as aforesaid.

The penalties.

The lord chancellor, &c. may set the prices of wines yearly, or alter the same.

XIII. Provided nevertheless, That it shall and may be lawful to and for the lord chancellor of *England*, lord treasurer, lord president of the King's council, lord privy-seal, and the two chief justices, or five, four or three of them: and they are hereby authorized yearly, and every year, between the twentieth day of *November* and the last day of *December*, and no other times, to set the prices of all and every the said wines to be sold by retail, as aforesaid, at higher or lower rates than are herein contained; so that they or any of them cause the prices by them set to be written, and open proclamation thereof to be made in the King's court of chancery yearly in term-time, or else in the city, borough or town corporate where any such wine shall be sold; (2) and that all and every the said wines shall and may be sold by retail at such prices as by them, or any five, four or three of them, shall be set as aforesaid, from time to time, for the space of one whole year, to commence from the first day of *February* next after the setting thereof, and no longer, and no greater prices, under the pains and penalties aforesaid, to be recovered as aforesaid: and afterwards, (3) and in default of such setting of prices by the said lord chancellor of *England*, lord treasurer, lord president of the King's council, lord privy-seal, and the two chief justices, or five, four or three of them, as aforesaid, at the respective rates and prices set by this act, and under the penalties as aforesaid, to be recovered as aforesaid. *Confirmed by 13 Car. 2. stat. 1. c. 7.*

CAP. XXVI.

An act for the levying of the arrears of the twelve months assessment, commencing the twenty-fourth of June one thousand six hundred fifty-nine, and the six months assessment, commencing the twenty-fifth of December one thousand six hundred fifty-nine. EXP. 13 Car. 2. stat. 1. c. 7.

CAP. XXVII.

An act for granting unto the King's majesty four hundred and twenty thousand pounds, by an assessment of threecore and ten thousand pounds by the month, for six months, for disbanding the remainder of the army, and paying off the navy. EXP. 13 Car. 2. stat. 1. c. 7.

CAP. XXVIII.

An act for further supplying and explaining certain defects in an act, intituled, *An act for the speedy provision of money for disbanding and paying off the forces of this kingdom both by land and sea*. EXP. 13 Car. 2. stat. 1. c. 7.

CAP. XXIX.

An act for the speedy raising of seventy thousand pounds for the present supply of his Majesty. EXP. 13 Car. 2. stat. 1. cap. 7.

CAP. XXX.

An act for the attainder of several persons guilty of the horrid murder of his late sacred Majesty King Charles the First.

IN all humble manner shew unto your most excellent Majesty, your Majesty's most dutiful and loyal subjects the lords and commons in parliament assembled, That the horrid and execrable murder of your Majesty's royal father, our late most gracious sovereign Charles the First, of ever blessed and glorious memory, hath been committed by a party of wretched men, desperately wicked, and hardened in their impiety, who having first plotted and contrived the ruin and destruction of this excellent monarchy, and with it, of the true reformed protestant religion, which had been so long protected by it and flourished under it, found it necessary in order to the carrying on of their pernicious and traitorous designs, to throw down all the bulwarks and fences of law, and to subvert the very being and constitution of parliament, that so they might at last make their way open for any further attempts upon the sacred person of his Majesty himself; (2) and that for the more easy effecting thereof, they did first seduce some part of the then army into a compliance, and then kept the rest in subjection to them, partly for hopes of preferment, and chiefly for fear of losing their employments and arrears, until by these, and other more odious arts and devices, they had fully strengthened themselves both in power and faction; which being done, they did declare against all manner of treaties with the person of the King, even then while a treaty by advice of both houses of parliament was in being, remonstrated against the houses of parliament for such proceedings, seize upon his royal person while the commissioners were returned to the house of parliament with his answer; and when his concessions had been voted a ground for peace seize upon the house of commons, seclude and imprison some members, force out others, and there being left but a small remnant of their own creatures (not a tenth part of the whole) did seek to shelter themselves by this weak pretence, under the name and authority of a parliament; (3) and in that name laboured to prosecute what was yet behind and unfinished of their long intended treason and conspiracy. To this purpose they prepared an ordinance for erecting a prodigious and unheard of tribunal, which they called An high court of justice, for trial of his Majesty; and having easily procured it to pass in their house of commons, as it then stood moulded, ventured to send it up from thence to the peers then sitting, who totally rejected it; whereupon their rage and fury increasing, they presume to pass it alone, as an act of the commons, and in the name of the commons of England; (4) and having gained the pretence of law made by a power of their own making, pursue it with all possible force and cruelty, until at last, upon the thirtieth day of January one thousand six hundred forty and eight, his sacred Majesty was brought unto a scaffold, and there publicly murdered.

A yearly anniversary of humiliation on the 30th of January for ever.

The attainer of the persons actively instrumental in the murder of his late Majesty.

murdered before the gates of his own royal palace : (5) and because this horrid action, the protestant religion hath received the great wound and reproach, and the people of England the most unsupportable shame and infamy, that it was possible for the enemies of God and his King to bring upon us, whilst the fanatick rage of a few miscreants (who were as far from being true protestants, as they were from being true subjects) stands imputed by our adversaries to the whole nation : (6) we therefore your Majesty's said dutiful and loyal subjects, the lords and commons in parliament assembled, do hereby renounce, abominate and protest against that impious fact, the execrable murder and most unparalleled treason committed against the sacred person and life of our said late sovereign your Majesty's most royal father, and all proceedings tending thereunto, and do beseech your most excellent Majesty that it may be declared ; (7) and be it hereby declared, that by the undoubted and fundamental laws of this kingdom, neither the peers of this realm, nor the commons, nor both together in parliament or out of parliament, nor the people collectively or representatively, nor any other persons whatsoever, ever had, have, hath or ought to have, any coercive power over the persons of the Kings of this realm : (8) and for the better vindication of our selves to posterity, and as a lasting monument of our otherwise inexpressible detestation and abhorrency of this villainous and abominable fact, we do further beseech your most excellent Majesty, that it may be enacted ; (9) and be it hereby enacted by the King's most excellent Majesty, by and with the advice and consent of the lords and commons, in this present parliament assembled, That every thirtieth day of *January*, unless it falls out to be upon the Lord's day, and then the day next following, shall be for ever hereafter set apart to be kept and observed in all the churches and chapels of these your Majesty's kingdoms of *England* and *Ireland*, dominion of *Wales* and town of *Berwick upon Tweed*, and the isles of *Jersey* and *Guernsey*, and all other your Majesty's dominions, as an anniversary day of fasting and humiliation, to implore the mercy of God, that neither the guilt of that sacred and innocent blood, nor those other sins by which God was provoked to deliver up both us and our King into the hands of cruel and unreasonable men, may at any time hereafter be visited upon us or our posterity. (10) And whereas *Oliver Cromwell* deceased, *Henry Irton* deceased, *John Bradshaw* deceased, and *Thomas Pride* deceased, *John Lisle*, *Will. Say*, *sir Hardress Waller*, *Valentine Wauton*, *Thomas Harrison*, *Edward Whalley*, *William Heveningham*, *Isaac Penington*, *Henry Martin*, *John Barkstead*, *Gilbert Millington*, *Edmond Ludlow*, *sir Michael Livesey*, *Robert Tichbourn*, *Owen Row*, *Robert Lilbourn*, *Adrian Scroop*, *John Okey*, *John Hewson*, *William Goffe*, *Cornelius Holland*, *Thomas Challoner*, *John Carew*, *John Jones*, *Miles Corbet*, *Henry Smith*, *Gregory Clement*, *Thomas Wogan*, *Edmond Harvey*, *Thomas Scot*, *William Cawley*, *John Downs*, *Nicholas Love*, *Vincent Potter*, *Augustine Garland*, *John Dixwel*, *George Fleetwood*, *Simon Meyn*, *James Temple*, *Peter Temple*, *Daniel Blagrave*, The-

mas Wayte, John Cook, Andrew Broughton, Edward Dendy, William Hewlet, Hugh Peters, Francis Hacker, Daniel Axtel, are notoriously known to have been wicked and active instruments in the prosecution and compassing that traitorous murder of his late Majesty; for which the said sir *Hardress Waller, Thomas Harrison, William Heveningham, Isaac Pennington, Henry Martin, Gilbert Millington, Robert Titchborn, Owen Row, Robert Lilburn, Adrian Scroop, John Carew, John Jones, Henry Smith, Gregory Clement, Edmond Harvy, Thomas Scot, John Downs, Vincent Potter, Augustine Garland, George Fleetwood, Simon Meyne, James Temple, Peter Temple, Thomas Wayte, John Cook, William Hewlet, Hugh Peters, Francis Hacker and Daniel Axtel*, have already received their trial at law, and by verdict or their own confession have been convicted, and by judgment of law thereupon had, do now stand duly and legally attainted; of whom ten persons, that is to say, *Thomas Harrison, Adrian Scroop, John Carew, John Jones, Thomas Scot, Gregory Clement, John Cook, Hugh Peters, Francis Hacker and Daniel Axtel*, have most deservedly suffered the pains of death and been executed according to law, and the said *John Lisle, William Say, Valentine Wauton, Edward Whalley, John Barkstead, Edmond Ludlow, sir Michael Livesy, John Okey, John Hewson, William Goffe, Cornelius Holland, Thomas Challoner, Miles Corbet, William Cowley, Nicholas Love, John Dixwell, Daniel Blagrove, Andrew Broughton and Edward Dendy*, are fled from justice, not daring to abide a legal trial: may it therefore please your Majesty, that it may be enacted; (11) and be it enacted by the authority of this present parliament, That the said *Oliver Cromwell* deceased, *Henry Ireton* deceased, *John Bradshaw* deceased, and *Thomas Pride* deceased, shall by virtue of this act, be adjudged to be convicted and attainted of high treason to all intents and purposes, as if they and every of them respectively, had been attainted in their lives: (12) and also, that *John Lisle, William Say, Valentine Wauton, Edward Whalley, John Barkstead, Edmond Ludlow, sir Michael Livesy, John Okey, John Hewson, William Goffe, Cornelius Holland, Thomas Challoner, William Cowley, Miles Corbet, Nicholas Love, John Dixwell, Daniel Blagrove, Andrew Broughton, Edward Dendy* and every of them, stand and be adjudged, and by authority of this present act convicted and attainted of high treason: (13) and that all and every the manors, messuages, lands, tenements, rents, reversions, remainders, possessions, rights, conditions, interests, offices, fees, annuities and all other the hereditaments, leases for years, chattels real and other things of that nature, whatsoever they be, of them the said *Oliver Cromwel, Henry Ireton, John Bradshaw, Thomas Pride, John Lisle, William Say, Valentine Wauton, Edward Whalley, John Barkstead, Edmond Ludlow, sir Michael Livesy, John Okey, John Hewson, William Goffe, Cornelius Holland, Thomas Challoner, William Cowley, Miles Corbet, Nicholas Love, John Dixwell, Daniel Blagrove, Andrew Broughton, Edward Dendy, Thomas Harrison, Adrian Scroop, John Carew, John Jones, Thomas Scot, Gregory Clement, Hugh Peters, Francis Hacker, John Cook, Daniel*

The names of
the persons
tried and le-
gally attain-
ed.

The ten per-
sons executed.

The persons
fled.

The persons
dead before
they could be
brought to
trial attainted.

The persons
fled attainted.

Their lands,
tenements, &c.
forfeited and
vested in his
Majesty,

whereof they
were seized, or
any of them,
25 March 1646.

All their
goods and
personal estate
forfeited and
vested in his
Majesty,

whereof they
were possessed,
or any of
them,
11 Feb. 1659.

Proviso for
conveyances
by any of the
offenders.

Statutes,
judgments,

Daniel Axtel, sir Hardress Waller, William Heveningham, Isaac Pennington, Henry Martin, Gilbert Millington, Robert Titchburn, Owen Row, Robert Lilburn, Henry Smith, Edmond Harvey, John Downs, Vincent Potter, Augustine Garland, George Fleetwood, Simon Mayn, James Temple, Peter Temple, Thomas Wayte, which they or any of them, or any other person or persons to their or any of their uses, or in trust for them or any of them, had the five and twentieth day of *March* in the year of our Lord one thousand six hundred forty and six, or at any time since, shall stand and be forfeited unto your Majesty, your heirs and successors; (14) and shall be deemed, vested and adjudged to be in the actual and real possession of your Majesty, without any office or inquisition thereof hereafter to be taken or found: (15) and also, that all and every the goods, debts and other the chattels personal whatsoever, of them the said *Oliver Cromwell, Henry Irton, John Bradshaw, Thomas Pride,* whereof at the time of their respective deaths, they or any of them, or any other in trust for them or any of them, stood possessed in law or equity; (16) and all the goods, debts and other the chattels personal whatsoever, of them the said *John Lisle, William Say, Valentine Wauton, Edward Whalley, John Barkstead, Edmond Ludlow, sir Michael Livesy, John Okey, John Hewson, William Goffe, Cornelius Holland, Thomas Challoner, William Cawley, Miles Corbet, Nicholas Love, John Dixwel, Andrew Broughton, Edward Dendy, Thomas Harrison, Adrian Scroop, John Carew, John Jones, Thomas Seat, Gregory Clement, Hugh Peters, Francis Hacker, John Cook, Daniel Axtel, sir Hardress Waller, William Heveningham, Isaac Pennington, Henry Martin, Gilbert Millington, Robert Titchbourn, Owen Row, Robert Lilburn, Henry Smith, Edmond Harvey, John Downs, Vincent Potter, Augustine Garland, George Fleetwood, Simon Mayne, James Temple, Peter Temple, Thomas Wayte,* whereof upon the eleventh day of *February* one thousand six hundred fifty-nine, they or any of them, or any other in trust for them or any of them, stood possessed either in law or equity; (17) shall be deemed and adjudged to be forfeited unto, and are hereby vested and put into the actual and real possession of your Majesty, without any further office or inquisition thereof hereafter to be taken or found.

II. Provided always, and be it enacted by the authority aforesaid, That no conveyance, assurance, grant, bargain, sale, charge, lease, assignment of lease, grants and surrenders by copy of court-roll, estate, interest, trust or limitation of any use or uses, of or out of any manors, lands, tenements or hereditaments, not being the lands nor hereditaments of the late King, Queen or Prince, or of any archbishops, bishops, deans, deans and chapters, nor being lands or hereditaments sold or given for the delinquency or pretended delinquency of any person or persons whatsoever, by virtue or pretext of any act, order, ordinance, or reputed act, order or ordinance, since the first day of *January* one thousand six hundred forty and one; (2) nor any statute, judgment or recognizance, had, made, acknowledged or suffered, to any person or persons, bodies politick or corporate, before

before the twenty-ninth day of *September* one thousand six hundred fifty-nine, by any of the offenders before in this act mentioned, or their heirs, or by any other person or persons claiming by, from or under them or any of them, other than the wife or wives, child or children, heir or heirs of such person or persons or any of them, for money *bona fide* to them or any of them paid or lent; (3) nor any conveyance, assurance, grant or estate made before the twenty-fifth of *April* one thousand six hundred and sixty, by any person or persons to any of the offenders aforesaid, in trust, and for the benefit of any other person or persons not being any of the offenders aforesaid, or in trust for any bodies politick or corporate, shall be impeached, defeated, made void or frustrated hereby, or by any of the convictions and attainders aforesaid; (4) but that the same shall be held and enjoyed by the purchasers, grantees, lessees, assigns, *cestuy que use, cestuy que trust*, and every of them, their heirs, executors, administrators and assigns respectively, as if this act had not been made, and as if the said offenders had not been by this act, or by any other course or proceedings of law, convicted or attainted; so as the said conveyances, and all and every the grants and assurances which by virtue of this act are and ought to be held and enjoyed as aforesaid, shall before the first of *January* which shall be in the year of our Lord one thousand six hundred sixty and two, be entred and enrolled of record in his Majesty's court of exchequer and not otherwise; any thing in this act herein before contained to the contrary in any wise notwithstanding.

III. Provided always, and be it enacted by the authority aforesaid, That all and singular the manors, lands, tenements and hereditaments, which at any time heretofore were the lands and possessions of *Henry* late marquess of *Worcester*, and *Edward* now marquess of *Worcester*, and *Henry* lord *Herbert*, son and heir apparent of the said *Edward* marquess of *Worcester*, or any of them; whereof or wherein the said *Oliver Cromwel*, or any other person or persons in trust for him or to his use, or any other the persons attainted by this act or otherwise, or any person or persons in trust for them or any of them, had or claimed, or pretended to have any estate, right, title, possession or interest, at any time before or since the decease of the said *Oliver Cromwel*, shall be and hereby are vested and settled in, and shall be held and enjoyed by the said marquess of *Worcester* and the said *Henry* lord *Herbert*, in such manner and form, and for such estate and estates, with such powers and privileges, as they formerly had in the same respectively; any thing in this present act contained, or any act, conveyance or assurance heretofore made or acknowledged by the said *Edward* marquess of *Worcester*, and *Henry* lord *Herbert* or either of them, unto the said *Oliver Cromwel* or any other person or persons in trust for or to the use of the said *Oliver Cromwel*, or any act or conveyance made or done by the said *Oliver Cromwel*, or by any in trust for him, to any person whatsoever, to the contrary notwithstanding; (2) saving always,

&c. before the 29th of Sept. 1659.

For money *bona fide* lent, &c.
Conveyances in trust made before the 25th of April 1660. to any the said offenders.

Such conveyances to be enrolled in the court of exchequer before the first of Jan. 1662.

Proviso for the marquess of Worcester, &c.

Saving.
to

to all and every person and persons, bodies politick, and others, their respective heirs, successors, executors and administrators, all such right, title and interest in law and equity, which they or any of them have or ought to have, of, into or out of any the premises, not being in trust for any the said offenders, nor derived by, from or under the said offenders, since the twenty-fifth day of *March* which was in the year of our Lord one thousand six hundred forty-six; (3) and that they the said person and persons, bodies politick and other, their respective heirs, successors, executors and administrators and every of them, in all and every such case where his and their entry was lawful upon such offender or offenders, or the heirs or assigns of such offender or offenders, in or upon the said twenty-fifth day of *March* one thousand six hundred forty and six, or at any time since, may without petition, *monstrans de droit, ouster le maine*, or other suit to his Majesty, enter on the premises in his Majesty's possession or in the possession of his successors and patentees, their heirs or assigns, in such manner, to all intents, as he or they might have done on the possession of the said offenders, their heirs or assigns, in or upon the said twenty-fifth day of *March* or at any time since; any thing in this act to the contrary in any wise notwithstanding.

Proviso for
such as have
received and
paid their
rents to the
offenders.

IV. Provided also, That all and every person and persons which have received any of the rents or mean profits, of, in or out of any the lands, tenements and hereditaments, chattels real or possessions, of any the offender or offenders in this act mentioned, before the eleventh day of *February* one thousand six hundred fifty and nine, and have paid or accounted for the same before the said eleventh day of *February* one thousand six hundred fifty and nine, unto the said offender or offenders or their assigns, or to any claiming from or under them, shall be clearly and for ever acquitted and discharged of and from the same, against the King's majesty, his heirs and successors; any thing herein contained to the contrary notwithstanding.

Proviso for
Richard In-
goldby.

V. Provided always, That it shall and may be lawful to and for *Richard Ingoldby*, to retain and keep, or otherwise to sell and dispose, all and singular the goods and chattels formerly belonging to *Sir Hardress Waller* in the kingdom of *Ireland*, until two thousand pounds, for which the said *Richard Ingoldby* in the year one thousand six hundred fifty-eight stood jointly bound with the said *Sir Hardress Waller*, unto *James Brooks* of the city of *York*, alderman, and was then counter-secured by a judgment upon his lands, and since by a deed of bargain and sale of the said goods and chattels in *Ireland*, be fully paid, together with the interest thereof, he the said *Richard Ingoldby* accounting for, and paying the full overplus thereof, if any shall be, unto our sovereign lord the King; any thing herein before contained to the contrary notwithstanding. *Confirmed by 13 Car. 2. stat. 1.*

c. 7.

CAP. XXXI.

Leases and grants from colleges and hospitals confirmed. EXP.

CAP. XXXII.

An act for prohibiting the exportation of wool, wool-fells, fullers-earth, or any kind of scouring-earth.

FOR the better preventing and avoiding of such losses and inconveniencies as have happened, and daily do and may happen, to the kingdom of England and dominion of Wales, and to the kingdom of Ireland, by and through the secret and subtil exportation and transportation, and by and through the secret and subtil carrying and conveying away, of wool, wool-fells, mortlings, shorlings, yarn made of wool, wool-flocks, fullers-earth and fulling-clay, out of and from the kingdoms and dominion aforesaid, and for the better setting on work the poor people and inhabitants of the kingdoms and dominion aforesaid; (2) and to the intent that the full and best use and benefit of the principal native commodities of the same kingdoms and dominion may come, redound and be unto and amongst the subjects and inhabitants of the same, and not unto or amongst the subjects and inhabitants of the realm of Scotland, or of any foreign realms or states, as the same now of late in some great measure hath done, and is further likely to do, if some severer punishment than heretofore be not speedily inflicted upon such offenders as shall be actors or assistants in and to such exportation and transportation, and in and to such carrying and conveying away thereof, as aforesaid; (3) be it enacted by the King's most excellent majesty, the lords and commons in this present parliament assembled, and by the authority of the same, That no person or persons whatsoever from and after the fourteenth day of January one thousand six hundred and threescore, shall directly or indirectly export, transport, carry or convey, or cause or procure to be exported, transported, carried or conveyed, out of or from the kingdom of England, or dominion of Wales, or town of Berwick upon Tweed, or out of or from the isles of Jersey or Guernsey, with Sarke and Alderney, being under the government of Guernsey aforesaid, or out of or from any of them, or out of or from the kingdom of Ireland aforesaid, into any parts or places out of the kingdoms, isles or dominion aforesaid, any sheep or wool whatsoever, of the breed or growth of the kingdoms of England or Ireland, or isles or dominion aforesaid; (4) or any wool-fells, mortlings or shorlings, or any yarn made of wool, or any wool-flocks, or any fullers-earth, or any fulling-clay whatsoever; (5) nor shall directly or indirectly pack or load, or cause to be packed or loaded, upon any horse, cart or other carriage, or load or lay on board, or cause to be laden or laid on board, in any ship or other vessel, in any place or port within the kingdoms of England or Ireland, or town of Berwick, or isles or dominion aforesaid, any such sheep, wool, wool-fells, mortlings, shorlings, yarn made of wool or wool-flocks, or any fullers-earth or fulling-clay, to the

No person after the 14th of January 1660. shall export any sheep or wool, wool-fells, mortlings, shorlings, yarn, wool flocks, fullers-earth, fulling-clay.

Nor carry, or load on board any sheep, wool, &c.

intent or purpose to export, transport, carry or convey the same or to cause the same to be exported, transported, carried or conveyed, out of the kingdoms of *England* or *Ireland*, town of *Berwick*, isles or dominion aforesaid, or with intent or purpose, any other person or persons should so export, transport, carry or convey the same into any parts or places out of the kingdom of *England* and *Ireland*, town of *Berwick*, isles or dominion aforesaid, into the kingdom of *Scotland* or any foreign parts.

No wool, wool-fells, &c. after the 14th of Jan. 1660. to be carried out of Wales, Ireland, &c. Except.

II. And be it further enacted by the authority aforesaid That no wool, wool-fells, mortlings, shorlings, yarn made of wool, wool-flocks, or any fullers-earth or fulling-clay, shall from and after the fourteenth day of *January* in the year of Lord one thousand six hundred and sixty, exported, transported or conveyed out of the kingdom of *England* and dominion of *Wales*, or town of *Berwick*, or kingdom of *Ireland*, out of any port or place of the said kingdoms respectively, unto the isles of *Jersey* or *Guernsey*, or to *Sarke* or *Alderney*, except as in this act shall be hereafter limited or appointed.

The penalties.

III. And be it further enacted by the authority aforesaid That all and every the offender and offenders, offence and offences aforesaid, shall be subject and liable to the respective pains, penalties and forfeitures hereafter following, that is to say, The said sheep, wools, wool-fells, mortlings, shorlings, yarn made of wool, wool-flocks, fullers-earth and fulling-clay, so exported, transported, carried, conveyed, packed or loaded contrary to the true intent of this act, shall be forfeited; (1) and that every offender and offenders therein shall forfeit twenty shillings for every such sheep, and three shillings for every pound-weight of such wool, wool-fells, mortlings, shorlings; yarn made of wool, wool-flocks, fullers-earth or fulling-clay; (2) and also the owners of the said ships or vessels, knowing such offence, shall forfeit all their interest in the said ships or vessels, with all their apparel and furniture to them and every of them belonging; (3) and that the master and mariners thereof, knowing such offence, and wittingly and willingly aiding and assisting thereunto, shall forfeit all their goods and chattels, and have imprisonment for the space of three months without bail or mainprize; (4) the one moiety of which said penalties and forfeitures shall be to the King's majesty, his heirs and successors, and the other moiety to him that will sue for the same by action of debt, bill, plaint or information in any of his Majesty's courts of record, or before the justices of assize, or in the general quarter-sessions of the peace; in which suit, no effoin, protection or wager of law shall be allowed.

The penalty upon any merchant that shall transport wools, &c.

IV. And be it further enacted; That if any merchant, or other person or persons, shall after the said fourteenth day of *January* transport or cause to be transported any sheep, wool, wool-fells, mortlings, shorlings, woollen-yarn, wool-flocks, fullers-earth or fulling-clay, contrary to the true intent of this act, and be thereof lawfully convicted, that then he shall be disabled to require any debt or account of any factor or others,

for

for or concerning any debt or estate properly belonging to such offender: (2) provided always, and it is nevertheless declared, *Proviso.* That this act, or any thing therein contained, shall not be construed to take away any greater pains or penalties inflicted, or to be inflicted, for any the offences aforesaid, by virtue of any former act of parliament now in force.

V. And be it also further enacted by the authority aforesaid, That every offence that shall be done or committed contrary to this act, shall and may be inquired of and heard, examined, tried and determined in the county where such sheep, wool, wool-fells, mortlings, shorlings, yarn made of wool, wool-flocks, fullers-earth or fulling-clay respectively shall be so packed, loaden or laid aboard as aforesaid, contrary to this act, or else in the county where such offenders shall happen to be apprehended or arrested for such offence, in such manner and form, and to such effect to all intents and purposes, as if the same offence had been wholly and altogether done and committed at and in such county. *Offences against this act where to be tried.*

VI. Provided always, and be it enacted by the authority aforesaid, That no person or persons whatsoever, shall at any time hereafter be impeached for any offence aforesaid, unless such person or persons shall be prosecuted within the space of one year next ensuing such offence committed. *Prosecution to be within a year after the offence committed.*

VII. And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for any person or persons to seize, take and challenge to his or their own use and behoof, and to the use of the King, his heirs and successors, all and all manner such sheep, wool, wool-fells, mortlings, shorlings, yarn made of wool, wool-flocks, fullers earth and fulling-clay, as he or they shall happen to see, find, know or discover to be laid aboard in any ship or other vessel or boat, or to be brought, carried or laid on shore, at or near the sea, or any navigable river or water, to the intent or purpose to be exported, transported or conveyed out of the kingdoms of *England or Ireland*, town of *Berwick*, isles or dominions aforesaid, contrary to the true meaning of this act, or to be packed or loaden upon any horse, cart or other carriage, to the intent or purpose to be conveyed or carried into the kingdom of *Scotland* aforesaid; (2) and that such person or persons as shall happen so to seize, take or challenge any such sheep, wool, wool-fells, mortlings, shorlings, yarn made of wool, wool-flocks, fullers-earth or fulling-clay as aforesaid, shall have the full moiety thereof to all intents and purposes. *By 9 & 10 W. 3. c. 40. s. 9. the prosecution may be within three years. Any person may seize goods contrary to this act with intent to be transported, &c. and shall have the moiety thereof.*

VIII. Provided always, That such person or persons as shall make any such seizure or challenge aforesaid to his or their own use, shall not be admitted or allowed to give in evidence upon his or their oath or oaths against any person or persons which shall happen to be indicted, accused or questioned by virtue of this act, or any thing therein contained. *Proviso such person shall not be evidence against the offender.*

IX. And furthermore, be it enacted by the authority aforesaid, That all and every ship, vessel, hulk, barge or boat of what kind *Forfeiture of the ship if the owner be an*

alien, or not
inhabiting in
England.

kind soever, whereof any alien-born, or whereof any native-born subjects not inhabiting within the realm of *England*, be owner or part-owner, and wherein any sheep, wool, wool-fells, mortlings, shortlings, yarn made of wool, wool-flock, fullers-earth or fulling-clay, shall happen to be shipped, put or laid aboard, contrary to the true meaning of this act, shall be forfeited to the King's majesty, his heirs and successors.

X. Provided always, That this act shall not extend to any lambskin ready dressed, and prepared fit and useful for fur or linings.

Proviso.

XI. Provided also, That this act shall not in any wise extend to the transporting, carrying or conveying away of any such wool-fells or pelts, with such wool upon them, or to any be stuffed with flocks, which shall be carried or employed in a ship or other vessel for necessary use only, of and about the ordinance or other thing in or concerning such ship or vessel, or only for the necessary use of any the persons in such ship or vessel passing or being, and which shall not be sold or uttered in any foreign parts out of the kingdoms of *England* or *Ireland*, or town of *Berwick*, isles or dominion aforesaid; (2) nor to the exporting, carrying or conveying of any wether-sheep, or of the wool growing upon any such wether-sheep, to be carried alive in any ship or other vessel, for and towards the only necessary food or diet of or for the company or passengers, or other persons therein, and for and towards none other purpose.

Ireland,
Berwick.

Proviso.

Southampton,
Jersey, Guernsey.

XII. Provided always, and be it further enacted, That this act, or any thing therein contained, shall not extend to any such wool to be exported or transported out of or from the port of *Southampton*, only unto the aforesaid isles of *Jersey* and *Guernsey*, by or for the only use or behoof of any the inhabitants of the said isles of *Jersey* and *Guernsey*, or either of them, or to any such wool to be shipped or loaden aboard in any ship or other vessel, by or for the only use or behoof of any the inhabitants of the said isles of *Jersey* or *Guernsey*, or either of them, in the port aforesaid, to be exported and transported into the said isles of *Jersey* or *Guernsey*, or either of them; so as such person and persons that shall so ship or lay aboard such wool into any ship or other vessel, do, before the shipping or laying aboard such wool, deliver unto the customer, comptroller, surveyor or searcher of the port of *Southampton* aforesaid (out of which the same wool is to be exported) a writing under the seal or seals of the respective governors of the same isles of *Jersey* and *Guernsey*, unto which the said wool is to be transported, or of his or their deputy or deputies respectively, the which writing shall purport and express, that the party named in such writing is authorized and appointed to export or cause to be exported out of the port aforesaid, so much wool, expressing the number of the tods, to the same isle, to be used or manufactured in one of the same isles, or in some of the members or parts of the same, and that such party so authorized and appointed to export or cause to be exported that wool, hath before the making and sealing

Sealing of that writing, entred into sufficient bond to his Majesty's use for the lan. ing of the said wool in that isle. (2) And to the intent that the quantity of wool to be exported out of the port of *Southampton* aforesaid into the said isles, or either of them, in any one year, accounting the year to begin from the first day of *January* next ensuing, and so yearly from the first day of *January*, may not exceed the quantity hereunder specified, that is to say, unto the isle of *Jersey* two thousand tods and no more of unkembed wool, and unto *Guernsey* one thousand tods and no more of unkembed wool, and unto *Alderney* two hundred tods and no more of unkembed wool, and unto *Sarke* one hundred tods of unkembed wool and no more, every tod not exceeding thirty-two pounds.

Enlarged as to Jersey, &c. by 1 W. & M. sess. 1. c. 32. f. 14. Alderney, Sarke.

XIII. And be it enacted by the authority aforesaid, That the governor of the said isle of *Jersey*, or his deputy for whom he will answer, shall not make to any person or persons any writing or writings such as is above specified, to authorize and appoint such person or persons as aforesaid, to fetch, export or transport out of the port of *Southampton* aforesaid, unto the said isle of *Jersey*, in one year, accounting the year from the first day of *January* one thousand six hundred and sixty aforesaid, any greater quantity of wool than two thousand tods in any one year; (2) and that the governor of the said isle of *Guernsey*, or his deputy for whom he will answer, shall not make to any person or persons any writing or writings, such as is above specified, to authorize and appoint such person or persons as aforesaid to fetch, export or transport out of the port above specified, unto the said isles of *Guernsey* with *Alderney* and *Sarke*, in any one year, accounting the year from the first day of *January* aforesaid, any greater quantity of wool than one thousand tods for *Guernsey*, two hundred tods for *Alderney*, and one hundred tods for *Sarke*, in any one year; (3) and that the customer of the port of *Southampton* aforesaid shall keep a true account of all the said quantity of wools so by him permitted to be loaden by virtue of this act, and shall not permit any greater quantity of wools to be loaden than by this act is prescribed in any one year, to either of the said islands respectively, under any pretence whatsoever, upon the penalty of the forfeiture of his place, and of the sum of one hundred pounds in money; one moiety whereof to the King's majesty, his heirs and successors, and the other moiety to him or them that will sue for the same in any court of record, wherein no essoin, protection, or wager of law shall be allowed. (4) And if any of the governors aforesaid, or any of their or either of their deputy or deputies of the said isles, or either of them, shall give, grant, or make any licence or licences for exporting from *Southampton* aforesaid, into the said isles respectively, of any greater quantity of such wool than is before by the true meaning of this act limited and appointed in that behalf; that then the respective governor or governors of such of the said isles shall forfeit and pay to the King's majesty, his heirs or successors, the sum of twenty pounds of lawful money

of *England*, for every tod of wool which shall be so licenced to be exported, over and above the rate or proportion of wool, in and by this act, or the true meaning thereof, limited or appointed.

XIV. And be it further enacted by the authority aforesaid, That the respective governors aforesaid, or their respective deputies, or any their clerks, officers or servants, for the granting, making or sealing of every such writing of licence as is aforesaid, and for the entering a remembrance of the same into some book, which they shall have and keep for that purpose, may have and take the sum of twelve pence, and no more; (2) upon pain of forfeiting to the party grieved the sum of five shillings for every peny which shall be taken over and above the said sum of twelve pence, in and by this act allowed to be taken, and so after that proportion; the said penalty or forfeiture for the taking above twelve pence as aforesaid, to be recovered by bill, plaint or information, in any court of record at *Westminster*, or elsewhere, wherein no injunction, protection, privilege, effoin or wager of law shall be admitted or allowed. Confirmed by 13 Car. 2 stat. 1. c. 14.

C A P. XXXIII.

An act for confirmation of marriages.

Marriages
since the first
of May, 1642.
confirmed.

WHEREAS by virtue or colour of certain ordinances, or certain pretended acts, or ordinances, divers marriages since the beginning of the late troubles have been had and solemnized in some other manner than hath been formerly used and accustomed: (2) now for the preventing and avoiding of all doubts and questions touching the same, it is enacted by the King's most excellent majesty, with the advice and assent of the lords and commons in parliament assembled, and by the authority of the same, That all marriages had or solemnized in any of his Majesty's dominions since the first day of *May*, in the year of our Lord, one thousand six hundred forty and two, before any justice of peace, or reputed justice of peace of *England*, or *Wales*, or other his Majesty's dominions, and by such justice, or reputed justice, so pronounced or declared; (3) and all marriages within any of his Majesty's dominions, since the same first day of *May*, in the year of our Lord, one thousand six hundred forty two, had or solemnized according to the direction or true intent of any act or ordinance, or reputed act or ordinance of one or both houses of parliament, or of any convention sitting at *Westminster*, under the name, stile or title of a parliament, or assuming that name, stile or title; (4) shall be, and shall be adjudged, esteemed and taken to be, and to have been of the same, and no other force and effect, as if such marriages had been had and solemnized according to the rites and ceremonies established, or used in the church or kingdom of *England*; any law, custom or usage to the contrary thereof notwithstanding.

II. And be it further enacted, That where in any suit commenced, or to be commenced in any of the courts of the common

mon law, any issue hath been joined, and not already tried or determined, or shall be joined upon the point of bastardy, or unlawfulness of marriage, for or concerning the marriages had and solemnized, as aforesaid, the same issues shall be tried by jury of twelve men, according to the course of trial of other issues triable by jury at the common law, and not otherwise; any law, statute or usage to the contrary thereof in any wise notwithstanding.

Issues upon lawfulness of marriage already joined, or bastardy shall be tried by jury.
13 Car. 2.
stat. 1. c. 11.

C A P. XXXIV.

An act for prohibiting the planting, setting or sowing of tobacco in England or Ireland.

YOUR Majesty's loyal and obedient subjects, the lords and commons in this present parliament assembled, considering of how great concern and importance it is, That the colonies and plantations of this kingdom in America, be defended, protected, maintained, and kept up, and that all due and possible encouragement be given unto them; and that not only in regard great and considerable dominions and countries have been thereby gained, and added to the imperial crown of this realm, but for that the strength and welfare of this kingdom do very much depend upon them, in regard of the employment of a very considerable part of its shipping and seamen, and of the vent of very great quantities of its native commodities and manufactures, and also of its supply with several considerable commodities which it was wont formerly to have only from foreigners, and at far dearer rates: (2) and forasmuch as tobacco is one of the main products of several of these plantations, and upon which their welfare and subsistence, and the navigation of this kingdom, and vent of its commodities thither, do much depend; and in regard it is found by experience, That the tobaccos planted in these parts are not so good and wholesome for the takers thereof; and that by the planting thereof, your Majesty is deprived of a considerable part of your revenue arising by customs upon imported tobacco; do most humbly pray, that it may be enacted by your Majesty; (3) and it is hereby enacted by the King's most excellent majesty, and the lords and commons in this present parliament assembled, and by the authority of the same, That no person or persons whatsoever shall or do from and after the first day of January in the year of our Lord one thousand six hundred and sixty, set, plant, improve to grow, make or cure any tobacco, either in seed, plant or otherwise, in or upon any ground, earth, field, or place within the kingdom of England, dominion of Wales, islands of Guernsey or Jersey, or town of Berwick upon Tweed, or in the kingdom of Ireland, under the penalty of the forfeiture of all such tobacco, or the value thereof, or of the sum of forty shillings for every rod or pole of ground so planted, set or sown as aforesaid, and so proportionably for a greater or lesser quantity of ground; one moiety thereof to his Majesty, his heirs and successors, and the other moiety to him or them that shall sue for the same, to be recovered by bill, plaint or information in any court of record, wherein no escoin, protection, or wager in law shall be allowed,

Importance of the plantations of America.

No person after the first of January 1660, shall set or plant any tobacco.

The penalty made 10l. by 15 Car. 2. c. 7. s. 18.

All sheriffs and other officers may destroy any tobacco planted contrary to this act.

II. And it is hereby further enacted, That all sheriffs, justices of the peace, mayors, bailiffs, constables, and every of them, upon information or complaint made unto them or any of them, by any the officers of the customs, or by any other person or persons whatsoever, That there is any tobacco set, sown, planted, or growing within their jurisdictions or precincts, contrary to this act, shall within ten days after such information or complaint cause to be burnt, plucked up, consumed, or utterly destroyed, all such tobacco so set, sown, planted or growing.

The penalty of any person resisting this act.

III. And it is hereby further enacted, That in case any person or persons shall resist or make forcible opposition against any person or persons in the due and through execution of this act, that every such person or persons, for every such offence, shall forfeit the sum of five pounds to be divided and recovered in manner aforesaid. (2) And in case any person or persons shall not pay the sums of money by them to be paid by virtue of this act, That in every such case, distress shall be made, and sale thereof, returning the overplus to the owners: and in case no distress be to be found, That then every such party shall be committed to the common gaol in the county where such offence shall be committed, there to remain for the space of two months without bail or mainprize.

Proviso for private gardens.

IV. Provided always, and it is hereby enacted, That this act, nor any thing therein contained, shall extend to the hindring of the planting of tobacco in any physick garden of either university, or in any other private garden for physick or chirurgery only, so as the quantity so planted exceed not one half of one pole in any one place or garden. 13 Car. 2. stat. 1. cap. 14. 5 Geo. 1. c. 11. s. 19.

CAP. XXXV.

An act erecting and establishing a post-office.

A post-office erected and established. The well ordering of postage and letters of great concernment to trade.

WHEREAS for the maintenance of mutual correspondencies, and prevention of many inconveniencies happening by private posts, several publick post-offices have been heretofore erected for carrying and recarrying of letters by posts, to, and from all parts and places within *England, Scotland and Ireland*, and several parts beyond the seas; the well ordering whereof is matter of a general concernment, and of great advantage, as well for preservation of trade and commerce, as otherwise: to the end therefore, that the same may be managed so that speedy and safe dispatches may be had, which is most likely to be effected, by erecting one general post-office for that purpose;

A letter-office erected in London.

II. Be it therefore enacted by the King's most excellent majesty, and the lords and commons in this present parliament assembled, and by the authority of the same, That there be from henceforth one general letter office erected and established in some convenient place within the city of *London*, from whence all letters or packets whatsoever may be with speed and expedition sent unto

unto any part of the kingdoms of *England, Scotland and Ireland*, or any other of his Majesty's dominions, or unto any kingdom or country beyond the seas: at which said office all returns and answers may be likewise received; (2) and that one master of the said general letter office shall be from time to time appointed by the King's majesty, his heirs and successors, to be made or constituted by letters patents, under the great seal of *England*, by the name and stile of his Majesty's post-master general; (3) which said master of the said office, and his deputy and deputies, by him thereunto sufficiently authorized, and his and their servants and agents, and no other person or persons whatsoever, shall from time to time have the receiving, taking up, ordering, dispatching, sending post or with speed, and delivering of all letters and packets whatsoever, which shall from time to time be sent to and from all and every the parts and places of *England, Scotland and Ireland*, and other his Majesty's dominions, and to and from all and every the kingdoms and countries beyond the seas, where he shall settle or cause to be settled posts or running messengers for that purpose; (4) except such letters as shall be sent by coaches, common known carriers of goods by carts, waggons or packhorses and shall be carried along with their carts, waggons and packhorses respectively; (5) and except letters of merchants and masters which shall be sent by any masters of any ships, barques or other vessel or merchandize, or by any other person employed by them for the carriage of such letters aforesaid, according to the respective directions; (6) and also except letters to be sent by any private friend or friends in their ways of journey or travel, or by any messenger or messengers sent on purpose, for or concerning the private affairs of any person or persons: (7) and also except messengers who carry and recarry commissions, or the return thereof, affidavits, writs, process or proceedings, or the returns thereof issuing out of any court.

III. And be it further enacted by the authority aforesaid, That such post-master general for the time being, as shall from time to time be made and constituted by his Majesty, his heirs and successors, and the respective deputies, or substitutes of such post-master general, and no other person or persons whatsoever, shall prepare and provide horses and furniture to let to hire unto all through-posts, and persons riding in post by commission, or without, to and from all and every the parts and places of *England, Scotland and Ireland*, where any post-roads are, or shall be settled and established.

IV. And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for such post-master general to be constituted and appointed as aforesaid, and his deputy and deputies by him thereunto sufficiently authorized, to demand, have, receive and take for the portage and conveyance of all such letters which he shall so convey, carry or send post as aforesaid, and for the providing, and furnishing horses for through-posts or persons riding in post as aforesaid, according

according to the several rates and sums of lawful *English* money hereafter mentioned, not to exceed the same (that is to say,) (2) for the port of every letter not exceeding one sheet, to or from any place not exceeding fourscore *English* miles distant from the place where such letter shall be received, two pence; (3) and for the like port of every letter not exceeding two sheets, four-pence; (4) and for the like port of every packet of letters, proportionably unto the said rates; (5) and for the like port of every packet of writs, deeds or other things, after the rate of eight pence for every ounce weight; (6) and for the port of every letter not exceeding one sheet, above the distance of fourscore *English* miles from the place where the same shall be received, three-pence; (7) and for the like port of a letter, not exceeding two sheets six-pence; and proportionably to the same rates, for the like port of all packets of letters, (8) and for the like port of every other packet of writs, deeds or other things, after the rate of twelve pence of *English* money for every ounce weight; (9) and for the port of every letter not exceeding one sheet, from *London* unto the town of *Berwick*, or from thence unto the city of *London*, three pence of *English* money, and for the like port of every letter not exceeding two sheets, six-pence; and proportionably unto the same rates, for every packet of letters, and for every other packet of greater bulk, one shilling and six pence for every ounce weight; (10) and for the port of such letters and packets as shall be conveyed or carried from the town of *Berwick* into any place or places within forty *English* miles distance from *Berwick*, or any other place where such letter shall be received, two pence; and for every letter not exceeding two sheets, four pence; and proportionably to the same rates for every packet of letters, and for every other packet or parcel, eight pence for every ounce weight; (11) and for every letter not exceeding one sheet, to be conveyed or carried a further distance than forty *English* miles, four pence; and for the like port of every packet of letters, eight pence; and proportionably unto the same rates for the like port of every packet of letters, and for the like port of every other packet, one shilling for every ounce weight; (12) and for the port of every letter not exceeding one sheet from *England*, unto the city of *Dublin* in *Ireland*, or from the city of *Dublin* in *Ireland* unto *England*, six pence of *English* money; and for the like port of every letter not exceeding two sheets, one shilling, and proportionably to the same rates for every packet of letters, and for the port of every other packet of any kind of greater bulk, two shillings for every ounce weight; (13) and for the port of such letters or packets as shall be conveyed or carried from the city of *Dublin*, unto any other place or places within the kingdom of *Ireland*, or from any other place unto the said city, or to, or from any other place within the said kingdom, according to the rates and sums of *English* money hereafter following, viz. For every letter not exceeding one sheet, to or from any place within forty *English* miles

miles distance from *Dublin*, or any other place where such letter shall be received, ~~two pence~~; and for every letter not exceeding two sheets, ~~four pence~~; and proportionably to the same rates for every packet of letters, and for every packet of greater bulk, eight pence for every ounce weight; (14) and for every letter not exceeding one sheet, to be carried or conveyed a further distance than forty *English* miles, four pence; and for the like port of every letter not exceeding two sheets, eight pence; and proportionably unto the same rates for the like port of every packet of letters, and for the like port of every packet of greater bulk, one shilling for every ounce weight; (15) and for all and every the letters, packets and parcels of goods that shall be carried or conveyed to or from any of his Majesty's said dominions, or to or from any other parts or places beyond the seas, according to the several and respective rates that now are, and have been taken for letters, packets, and parcels so conveyed, being rated either by the letter, or by the ounce weight, that is to say,

(16) <i>Morlaix, St. Maloes, Caen, Newhaven</i> , and places of like distance, port paid to <i>Roan</i> is for - - - - -	}	Single	_____	vi
		Double	_____	Xii
		Treble	_____	XViii
		Ounce	_____	XViii

(17) <i>Hamburgh, Colen, Frankfurt</i> , port paid to <i>Antwerp</i> is	}	Single	_____	viii
		Double	_____	xvi
		Treble	_____	xxiv
		Ounce	_____	xxiv

(18) <i>Venice, Geneva, Legorn, Rome, Naples, Messina</i> , and all other parts of <i>Italy</i> by way of <i>Venice</i> , <i>franc pro Mantua</i> - - - - -	}	Single	_____	ix
		Double	_____	vi
		Treble	_____	iii
		Ounce	_____	viii

(19) <i>Marcellia, Smirna, Constantinople, Aleppo</i> , and all parts of <i>Turky</i> , port paid to <i>Marcellia</i> - - - - -	}	Single	_____	o
		Double	_____	ii
		3 qrs. of an ounce	_____	ii
		Ounce	_____	iii

(20) And for letters brought from the said places to <i>England</i>	}	Single	_____	o
		Double	_____	i
		Treble	_____	ii
		Ounce	_____	ii

(21) And for the port of letters brought into <i>England</i> from <i>Calais, Diepe, Bulloigne, Abbeville, Amience, Saint Omers, Montreil</i> - - - - -	}	Single	_____	o
		Double	_____	o
		Treble	_____	i
		Ounce	_____	i

(22) <i>Rouen</i> - - - - -	}	Single	_____	o
		Double	_____	i
		Treble	_____	i
		Ounce	_____	i

(23) *Genova*,

(23) <i>Genova, Legorn, Rome,</i> and other parts of <i>Italy</i> , by way of <i>Lyons, franci pro Lyons</i> - - -	} Single _____	s	d
		i	o
		ii	o
		3 qrs. of an ounce	ii
	Ounce	iii	ix

(24) And of letters sent outwards.

To <i>Bourdeaux, Rochel, Nantz,</i> <i>Orleans, Byon, Tours,</i> and places of like distance, port paid to <i>Paris</i> - - - - -	} Single _____	s	d
		o	ix
		i	vi
		ii	iii
	Treble	ii	o
	Ounce	ii	o

(25) And for letters brought from the same places into <i>Eng-</i> <i>land</i> - - - - -	} Single _____	s	d
		i	o
		ii	o
		3 qrs. of an ounce	iii
	Ounce	iv	o

(26) Also letters sent outwards.

To <i>Norembourg, Bremen, Dant-</i> <i>wick, Lubeck, Lipswick,</i> and o- ther places of like distance, post paid to <i>Hamburgh</i> - - - - -	} Single _____	s	d
		i	o
		ii	o
		3 qrs. of an ounce	iii
	Ounce	iv	o

(27) <i>Paris</i> - - - - -	} Single _____	s	d
		o	ix
		i	vi
		ii	iii
	Treble	ii	o
	Ounce	ii	o

(28) <i>Dunkirk, Ostend, Lille,</i> <i>Ipre, Courtray, Gbeandt, Brussels,</i> <i>Bridges, Antwerp,</i> and all other parts of <i>Flanders</i> - - - - -	} Single _____	s	d
		o	viii
		i	iv
		ii	o
	Treble	ii	o
	Ounce	ii	o

(29) <i>Skuis, Flushing, Middle-</i> <i>burg, Amsterdam, Rotterdam,</i> <i>Delph, Hague,</i> and from all o- ther parts of <i>Holland and Zealand</i>	} Single _____	s	d
		o	viii
		i	iv
		ii	o
	Treble	ii	o
	Ounce	ii	o

Proviso for
merchants.

VI. Provided always, That all merchants accompts not exceeding one sheet of paper, and all bills of exchange, invoys, and bills of lading, ~~are~~ and shall hereby be understood to be allowed without rate in the price of the letters, (2) and likewise the covers of letters not exceeding one fourth part of a sheet of paper sent to *Marseilles, Venice or Legorn*, to be sent forward to *Turkey*, shall be understood to be allowed to pass without rate or payment for the same; (3) and according to the same rates and proportions for the port of letters, packets and parcels to and from any of the parts or places beyond the seas, where posts have not been heretofore settled, and may hereafter be settled by the said post-master general for the time being, his executors or assigns: (4) and it shall and may be lawful, to and for such post-master general, and his deputy and deputies, to ask, demand; take and receive of every person that he or they shall furnish and provide with horses, furniture and guide to ride post

in any of the post-roads as aforesaid, three pence of *English* money for each horses hire or postage for every *English* mile, and four pence for the guide for every stage. (5) And whereas upon the arrival of ships from parts beyond the seas into several ports within his Majesty's dominions, many letters directed to several merchants and others have been detained long, to the great damage of the merchants, in want of that speedy advice and intelligence, which they might have had if the same had been forthwith dispatched by the settled posts; and sometimes such letters have been delivered by the masters or passengers of such ships to ignorant and loose hands, that understand not the way and means of speedy conveyance and delivery of letters, whereby great prejudice hath accrued to the affairs of merchants and others, as well by the miscarriage of many letters so brought, as oftentimes by the opening of the same, to the discovery of the correspondencies and secrets of the merchant:

VII. Be it further enacted by the authority aforesaid, That all letters and packets that by any master of any ship, or vessel, or any of his company, or any passengers therein, shall or may be brought to any port-town within his Majesty's dominions, or any of the members thereof, other then such letters as are before excepted, or may be sent by common known carriers in manner aforesaid, or by a friend as aforesaid; shall by such master, passenger, or other person be forthwith delivered unto the deputy or deputies only for the said post-master general for the time being, by him appointed for the said port town, and by him or them to be sent post unto the said general post-office, to be delivered according to the several and respective directions for the same.

VIII. And be it further enacted by the aforesaid authority, That no person or persons whatsoever, or body politick or corporate other than such post-master general as shall from time to time be nominated and appointed by his Majesty, his heirs or successors, and constituted by letters patents under the great seal of *England* as aforesaid, and his deputy and deputies or assigns, shall presume to carry, recarry, and deliver letters for hire, other then as before excepted, or to set up or employ any foot-post, horse-post, coach-post, or packet-boat whatsoever, for the conveying, carrying and recarrying of any letters or packets by sea or land within his Majesty's dominions, or shall provide and maintain horses and furniture for the horsing of any through-posts, or persons riding in post with a guide and horn as usual for hire, (2) upon pain of forfeiting the sum of five pounds of *English* money for every several offence against the tenor of this present act; (3) and also for the forfeiture of the sum of one hundred pounds of like *English* money for every week's time that any offender against this act, shall employ, maintain and continue any such foot-post, horse-post, coach-post or packet-boat as aforesaid: (4) which said several and respective forfeitures shall and may be sued for, and recovered by

by action or actions of debt, plaint or information in any of his Majesty's courts of record, wherein no essoin, privilege, protection or wager of law shall be admitted; (5) and the said several and respective forfeitures that shall happen from time to time to be recovered, shall be and remain, the one moiety thereof to his Majesty, and his heirs and successors; and the other moiety thereof to such person or persons who shall or will inform against the offender or offenders against this present act, and shall or will sue for the said forfeitures upon the same.

Proviso where any post-master doth not provide.

IX. Provided always, That if any post-master of any respective place, doth not, or cannot furnish any person or persons riding in post, with sufficient horses within the space of one half hour after demand. That then such person or persons are hereby understood to be left at liberty to provide themselves as conveniently as they can; and the persons who shall furnish such horses shall not therefore be liable unto any penalties and forfeitures contained in this act.

Proviso touching post-masters that do not sufficiently provide horses, &c.

X. Provided always, That if through default or neglect of the post-master general aforesaid, any person or persons riding in post shall fail, as aforesaid, of being furnished with a sufficient horse or horses, for his or their use, after demand as aforesaid; that in every such case, the said post-master general shall forfeit the sum of five pounds sterling, the one moiety to his Majesty, his heirs and successors, and the other moiety to him or them who shall sue for the same in any court of record, to be recovered by bill, plaint or other information, wherein no essoin, protection, or other wager in law shall be admitted.

Proviso.

XI. Provided always, and be it enacted, That nothing herein contained shall be understood to prohibit the carrying or recarrying of any letters or packets, to or from any town or place, to or from the next respective post-road, or stage appointed for that purpose; but that every person shall have free liberty to send and employ such persons as they shall think fit, for to carry the said letters or packets as aforesaid, without any penalty or forfeiture therefore, any thing contained in this act to the contrary notwithstanding.

Proviso against carrying any packet out of England in any foreign vessels.

XII. Provided always, That if the packet or mail, shall be carried out of England, into any part beyond the seas in any ship or vessel which is not of English built, and navigated with English seamen, That in every such case the said post-master general shall forfeit the sum of one hundred pounds sterling; the one moiety to his Majesty, his heirs and successors, and the other moiety to him or them, who shall sue for the same in any court of record, to be recovered by bill, plaint, or other information, wherein no essoin, protection, or other wager of law shall be allowed.

XIII. Provided also, and be it enacted by the authority aforesaid, That no person or persons shall be capable of having, using, or exercising the office of post-master general, or any other employment relating to the said office, unless he or they shall first take the oaths of allegiance and supremacy, before any

two justices of the peace of the respective counties wherein such person or persons are or shall be resident, which justices are hereby authorized to administer the oaths accordingly.

Oaths of allegiance and supremacy.

XIV. Provided also, and be it enacted by the authority aforesaid, That a letter or packet post shall twice every week come by the way of *Truro* and *Penryn* to the town of *Marketree*, alias *Marbushon*, in the county of *Cornwall*; and once a week to *Kendal* by the way of *Lancaster*; and to the town of *Penrith* in *Cumberland* by the way of *Newcastle* and *Carlisle*; and to the city of *Lincoln*, and the borough of *Grimby* in the county of *Lincoln*; any thing in this act contained to the contrary thereof in any wise notwithstanding.

Proviso,
Truro, Penryn, Kendal, Lancaster, Penrith, Carlisle, Grimsby.

XV. Provided also, and be it enacted by the authority aforesaid, That such post-master general to be from time to time appointed by his Majesty, his heirs and successors as aforesaid, shall continue constant posts for carriage of letters to all places, though they lie out of the post-roads, as hath been used for the space of three years last past, at the rates herein before mentioned, under pain of forfeiture for every omission five pounds, to be recovered by action, suit or plaint, in any his Majesty's courts of record, the one moiety to the use of his Majesty, the other moiety to the use of the informer: (2) and for the better management of the said post-office, and that the people of these kingdoms may have their intercourse of commerce and trade the better maintained, and their letters and advices conveyed, carried and re-carried with the greatest speed, security, and convenience that may be;

Post-master to continue constant posts. Penalty for every omission.

XVI. Be it further enacted, That the said post-master general so nominated, appointed and constituted as aforesaid, and his deputies, shall from time to time observe and follow such orders, rules, directions and instructions for and concerning the settlement of convenient posts and stages upon the several roads in *England*, *Scotland* and *Ireland*, and other his Majesty's dominions, and the providing and keeping of a sufficient number of horses at the said several stages, as well for the carrying, and conveying of the said letters and packets, as for the horning of all through-posts and persons riding in post by warrant or otherwise as aforesaid, as his Majesty, his heirs and successors, shall from time to time in that behalf make and ordain; and that his Majesty, his heirs and successors, may grant the said office of post-master general, together with the powers and authorities thereunto belonging, and the several rates of portage above mentioned, and all profits, privileges, fees, perquisites and emoluments thereunto belonging, or to belong, either for life or term of years, not exceeding one and twenty years, to such person or persons, and under such covenants, conditions and yearly rents to his said Majesty, his heirs and successors, reserved, as his said Majesty, his heirs and successors shall from time to time think fit for the best advantage and benefit of the kingdom.

The post-master, &c. to observe such orders as his Majesty shall make.

His Majesty may grant the said office for life or years, not exceeding 21 years.

XVII. Pro-

No horses to
be seized with-
out consent of
the owners.

XVII. Provided always, and be it enacted by the authority aforesaid, That no person shall have power to take, use, or seize any horses for the service mentioned in this act, without the consent of the owners thereof; any usage or pretence, or any thing in this act contained to the contrary thereof in any wise notwithstanding.

Proviso for the
rates of all in-
land letters.

XVIII. Provided always, and be it enacted by the authority aforesaid, That all inland letters sent by any packet-post established by this act as aforesaid, do and shall pay the rates and prices beforementioned, at such stage where they are last delivered only, unless the party that delivers the letters desireth to pay elsewhere; any thing in this act to the contrary notwithstanding. Provided always, That all letters, and other things, may be sent or conveyed to or from the two universities in manner as heretofore hath been used; any thing to the contrary notwithstanding.

Confirmed by
13 Car. 2. c. 7.
and repealed
by 9 An. c. 10.
f. 2.

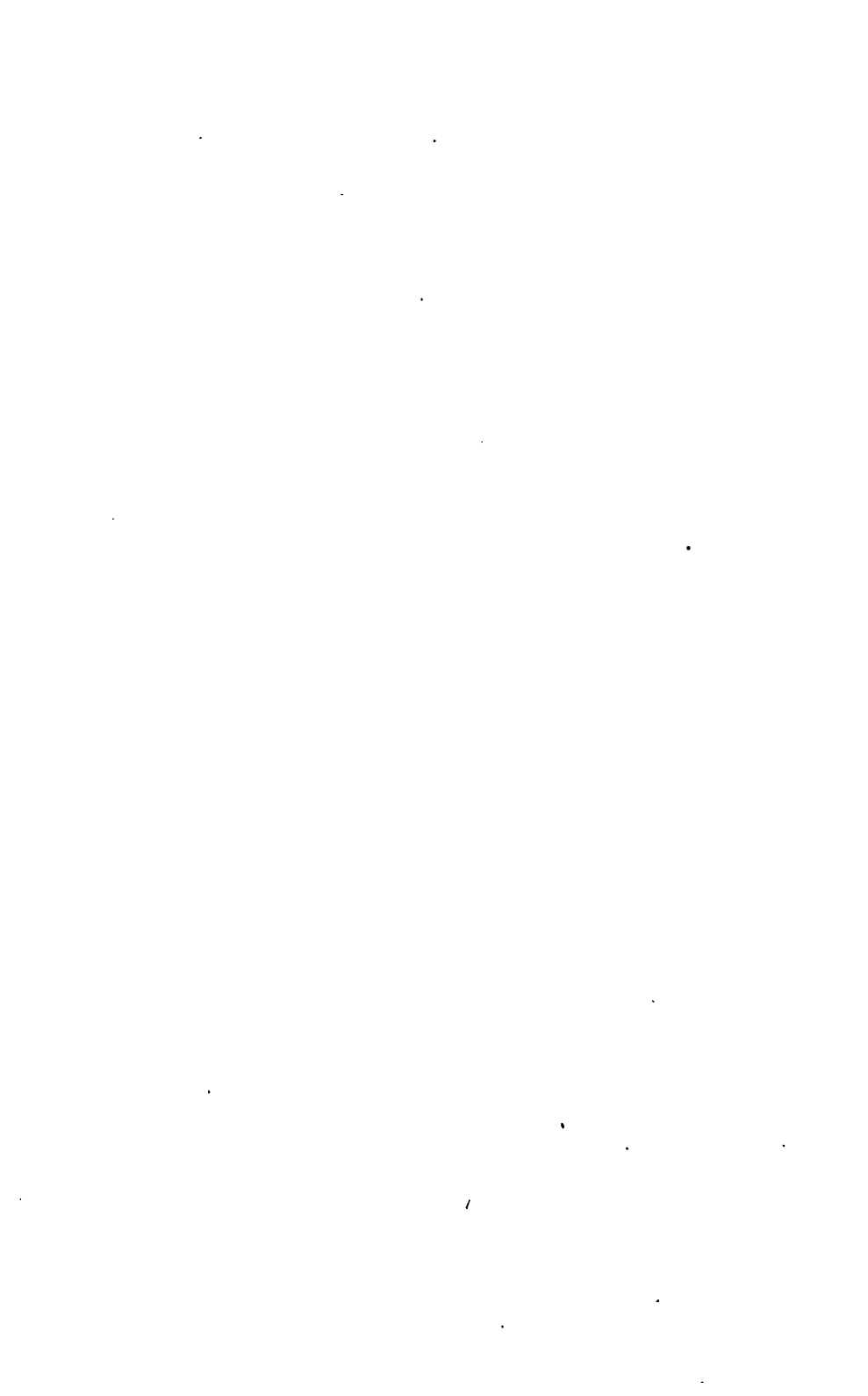
CAP. XXXVI.

The master of the rolls for the time being is impowered to make leases for years in order to new build the old houses belonging to the rolls.
13 Car. 2. stat. 1. c. 14.

CAP. XXXVII.

An act for making the precinct of Covent-Garden parochial.

The END of the Seventh VOLUME.





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